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HANSARD'S
PARLIAMENTARY DEBATES,

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

39° VICTORIÆ, 1876.

VOL. CCXXIX.

COMPRISING THE PERIOD FROM
THE THIRD DAY OF MAY 1876,
TO
THE SIXTEENTH DAY OF JUNE 1876.

Third Volume of the Session.

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1876.

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After long debate, Question put:—The House *divided*; Ayes 167, Noes 224; Majority 57.

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Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “this House regrets that the progressive increase of expenditure recommended by Her Majesty’s Government should have led to a proposal by Her Majesty’s Government to add to the Income Tax in the present year,” — (*Mr. Rylands*,)—instead thereof

Question proposed, “That the words proposed to be left out stand part of the Question.”

After long debate, Question put: — The House *divided*; Ayes 263, Noes 175; Majority 88.

Main Question put, and *agreed to*:—Bill read a second time, and *committed for Thursday*.

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Moved, "That this House is of opinion that Her Majesty's Government should take into its early consideration whether it would not be for the advantage of the Country that a moderate and graduated stamp or composition Duty should be levied in respect to all interest-bearing deposits with bankers in the United Kingdom, and whether the scale and incidence of such Duty may not be so devised as to encourage the making of such deposits for fixed periods and renewable periods, as for instance from three months to three months, in preference to the system which has grown up and now prevails, whereby the greater number and amount of the interest-bearing deposits in the United Kingdom are held subject to recall at a few days' notice,"—(*Sir Joseph M'Kenna*)

778

After short debate, Motion, by leave, *withdrawn*.

MERCHANT SERVICE OFFICERS—RESOLUTION—

Moved, "That it is expedient that voluntary examinations should be held under the Board of Trade in modern languages and commercial law, and that further inducements should be given to merchant officers to study at the Naval University at Greenwich,"—(*Mr. T. Brassey*)

794

After short debate, Motion, by leave, *withdrawn*.

University Education (Ireland) Bill—

Motion for Leave (*Mr. Butt*)
After short debate, Motion *agreed to*:—Bill to make better provision for University Education in Ireland, *ordered* (*Mr. Butt, The O'Conor Don, Mr. Mitchell Henry, Mr. MacCarthy, Mr. Sullivan*); *presented*, and read the first time [Bill 150.]

805

University of Cambridge Bill—

Motion for Leave (*Mr. Spencer Walpole*)
After short debate, Motion *agreed to*:—Bill to make further provision respecting the University of Cambridge and the Colleges therein, *ordered* (*Mr. Spencer Walpole, Mr. Secretary Cross, Lord John Manners*); *presented*, and read the first time [Bill 151.]

829

POOR LAW RATING (IRELAND)—RESOLUTION—

Moved, "That the system of Poor Law Rating in Ireland should be assimilated to that of England by the adoption of Union Rating,"—(*Mr. O'Shaughnessy*) ..

837

After short debate, Motion, by leave, *withdrawn*.

PARLIAMENT—PRIVILEGE—PUBLIC PETITIONS—

MONASTIC AND CONVENTUAL INSTITUTIONS BILL—

Notice being taken of the language contained in the Petition from Newark Street, Leicester, in favour of the Monastic and Conventual Institutions Bill:—

Ordered, That the Order that the Petition do lie upon the Table be read, and discharged, on account of the unbecoming language used therein,—(*Mr. Callan*) ..

845

BOULOGNE SUR MER PETITION—

Report from the Select Committee, with Minutes of Evidence, *brought up*
Report read, as followeth:—
Your Committee, having taken Evidence and having searched for precedents, do not advise the reception of the Petition by the House.
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847

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Intoxicating Liquors (Licensing Boards) Bill [Bill 6]—

Moved, "That the Bill be now read a second time,"—(*Mr. Joseph Cowen*)

848

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Sir Walter Barttelot*.)

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After long debate, Question put, "That the word 'now,' stand part of the Question:"—The House *divided*; Ayes 109, Noes 274; Majority 165.

Words *added*:—Main Question, as amended, put, and *agreed to*:—Second Reading *put off* for six months.

Election of Aldermen (Cumulative Vote) Bill [Bill 46]—

Order for Second Reading read 913
After short debate, it being a quarter of an hour before Six of the clock, the further proceedings on Second Reading stood adjourned till *To-morrow*.

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Ordered, That the Orders of the Day be postponed till after the Notice of Motion for leave to bring in a Bill further to provide for Elementary Education,—(*Mr. Disraeli*.)

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Customs and Inland Revenue Bill [Bill 124]—	
Order for Committee read:— <i>Moved</i> , “That Mr. Speaker do now leave the Chair,”—(<i>Mr. Chancellor of the Exchequer</i>)	965
Amendment proposed, To leave out from the word “That” to the end of the Question, in order to add the words “it is inexpedient to extend the range of absolute exemption from Income Tax to incomes of £150, and to extend the limit of partial exemption from incomes of £300 to incomes of £400, inasmuch as these additional exemptions would injuriously affect the equable proportion in which all incomes of like nature should be assessed,”—(<i>Mr. Hubbard</i>),—instead thereof.	
Question proposed, “That the words proposed to be left out stand part of the Question.”	
After long debate, Question put:—The House <i>divided</i> ; Ayes 241, Noes 121; Majority 120.	
Main Question, “That Mr. Speaker do now leave the Chair,” put, and <i>agreed to</i> :—Bill <i>considered</i> in Committee.	
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Customs Laws Consolidation Bill— <i>Considered</i> in Committee:—Resolution <i>agreed to</i> , and <i>reported</i> :—Bill <i>ordered</i> (<i>Mr. Raikes, Mr. William Henry Smith, Mr. Chancellor of the Exchequer</i>); <i>presented</i> , and read the first time [Bill 154]	
Prevention of Crimes Act Amendment Bill— <i>Ordered</i> (<i>Sir Henry Selwin-Ibbetson, Mr. Secretary Cross</i>); <i>presented</i> , and read the first time [Bill 153]	
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LORDS, FRIDAY, MAY 19.

Their Lordships met;—And having gone through the Business on the Paper, without debate—[House adjourned.]

COMMONS, FRIDAY, MAY 19.

The House met, and 40 Members not being present at Four o'clock, Mr. Speaker adjourned the House till Monday next.

LORDS, MONDAY, MAY 22.

TURKEY—SECOND NOTE OF THE THREE POWERS—Question, Observations, Earl Granville; Reply, The Earl of Derby 1000

Cruelty to Animals Bill (No. 85)—

Moved, “That the Bill be now read 2^a,”—(*The Earl of Carnarvon*) .. 1001
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CRIMINAL LAW—RELEASE OF POLITICAL PRISONERS—Question, Mr. M. Brooks; Answer, Mr. Disraeli	1040

Moved, "That this House do now adjourn,"—(*Mr. O' Connor Power* :)—
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CRIMINAL LAW—ARRESTS UNDER THE VACCINATION ACT—Question, Mr. Blake; Answer, Mr. Assheton Cross	1052
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WAYS AND MEANS—*considered* in Committee 1082 (In the Committee.)

Motion made, and Question proposed, "That, towards making good the Supply granted to Her Majesty for the service of the year ending the 31st day of March 1877, the sum of £11,000,000 be granted out of the Consolidated Fund of the United Kingdom."

Moved, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. O'Sullivan* :)—Question put :—The Committee *divided*; Ayes 15, Noes 87; Majority 72.

Original Question again proposed :—*Moved*, "That the Chairman do now leave the Chair,"—(*Mr. Parnell* :)—Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Resolved, That, towards making good the Supply granted to Her Majesty for the service of the year ending the 31st day of March 1877, the sum of £11,000,000 be granted out of the Consolidated Fund of the United Kingdom.

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Elver Fishing Bill—Ordered (<i>Mr. Monk, Mr. Price</i>); <i>presented</i> , and read the first time [Bill 162]	1083
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Smithfield Prison (Dublin) Bill—Ordered (<i>Mr. William Henry Smith, Sir Michael Hicks-Beach</i>); <i>presented</i> , and read the first time [Bill 163]	1083
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Burials in Churchyards Bill (No. 77)—

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On Question that ("now") stand part of the Motion? *Resolved* in the *Negative*; and Bill to be read 2^d *this day six months.*

THE ROYAL COMMISSION ON RAILWAY ACCIDENTS—BRAKES—Question, Observations, Lord Colville of Culross; Reply, The Earl of Aberdeen:—Short debate thereon 1095

DOVER HARBOUR—Petition *presented* (*Earl Granville*) .. 1099
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COMMONS, TUESDAY, MAY 23.

COMMITTEES—

Ordered, That Committees shall not sit upon Thursday, being Ascension Day, until Two of the clock, and have leave to sit until Six of the clock, notwithstanding the sitting of the House,"—(*Mr. Chancellor of the Exchequer.*)

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CITY OF LONDON COMPANIES—ADDRESS FOR A RETURN—

Moved, "That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Return setting forth in detail a Statement of the real and personal property vested in the City of London Companies respectively; also a detailed Statement of the charities payable by such Companies and of the income derived from all sources; and Statement of expenditure and receipts during the last three years preceding the 1st day of January 1875,"—(*Mr. James*) .. 1117

After long debate, Motion, by leave, *withdrawn.*

East India (Chief Justices of High Courts) Bill [Bill 98]—

Moved, "That the Bill be now read the second time,"—(*Sir George Campbell*) .. 1153
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Local Government Provisional Orders, Aberavon, &c. (No. 7) Bill—*Ordered* (*Mr. Salt, Mr. Selater-Booth*) .. 1154

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Wild Fowl Preservation Bill [Bill 42]—	
Order, read for resuming adjourned Debate on Question [23rd February], "That the Bill be now read a second time,"—(<i>Mr. Chaplin</i> :)—	
Question again proposed:—Debate <i>resumed</i> ..	1181
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(<i>Mr. P. A. Taylor</i> .)	
Question put, "That the word 'now' stand part of the Question:—" The House <i>divided</i> ; Ayes 337, Noes 13; Majority 324.	
Main Question put, and <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for <i>Monday</i> next.	
Criminal Law (Evidence) Amendment Bill [Bill 61]—	
Order for Second Reading read ..	1182
After short debate, it being now a quarter of an hour before Six of the clock, the further Proceeding on Second Reading stood adjourned till <i>To-morrow</i> .	
Ways and Means—Consolidated Fund (£11,000,000) Bill—Resolution [May 22] reported, and agreed to:—Bill ordered (<i>Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith</i>); presented, and read the first time ..	1184
Cruelty to Animals Bill—Ordered (<i>Mr. Holt, Mr. Hardcastle, Mr. Wait, Mr. Wilson</i>); presented, and read the first time [Bill 168] ..	1184
Burghs (Division into Wards) (Scotland) Amendment Bill—Ordered (<i>The Lord Advocate, Mr. Secretary Cross</i>); presented, and read the first time [Bill 166] ..	1185
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Customs and Inland Revenue Bill [Bill 124]—	
Bill <i>considered</i> in Committee ..	1197
After some time spent therein, Bill <i>reported</i> ; as amended, to be considered <i>To-morrow</i> .	
Commons Bill [Bill 51]—	
Order for Committee read :— <i>Moved</i> , “That Mr. Speaker do now leave the Chair,”—(<i>Mr. Assheton Cross</i>) ..	1219
Amendment proposed,	
To leave out from the word “That” to the end of the Question, in order to add the words “in the opinion of this House, this Bill does not give adequate protection to the interests of the rural labourers, and does not provide proper securities against the inclosure of those Commons which it is desirable to preserve in their uninclosed condition for the use and enjoyment of the people,”—(<i>Mr. Fawcett</i> :)—instead thereof.	
Question proposed, “That the words proposed to be left out stand part of the Question :”—After debate, Question put :—The House <i>divided</i> ; Ayes 234, Noes 98; Majority 136.	
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1260

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LANDLORD AND TENANT (IRELAND) BILL—Question, Mr. George Clive; Answer, The Chancellor of the Exchequer

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THE DUCHY OF LANCASTER AND THE AGRICULTURAL HOLDINGS (ENGLAND) ACT—RESOLUTION—Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “in the opinion of this House, it is undesirable that the benefits intended by Parliament to accrue to any class of Her Majesty’s subjects from the passing of any statute should be neutralized by the official action of a Member of the Administration responsible for the enactment of that statute,”—(*Dr. Cameron*),—instead thereof

1276

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Motion made, and Question proposed, “That a sum, not exceeding £144,025, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1877, for such of the Salaries and Expenses of the Chancery Division of the High Court of Justice, of the Court of Appeal, and of the Supreme Court of Judicature, as are not charged on the Consolidated Fund,”—(*Mr. Chancellor of the Exchequer*)

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Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, no financial arrangements can be satisfactory which are so framed as to make no provision for relieving Ireland from a burden of Taxation beyond her ability to pay as compared with Great Britain,"—(*Mr. Mitchell Henry*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question :"—After short debate, Amendment, by leave, *withdrawn*.

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COMMONS, THURSDAY, JUNE 1.

PRIVATE BILLS—

<i>Ordered</i> , That Standing Order 131 be suspended, and that the time for depositing Petitions against Private Bills, or against any Bill to confirm any Provisional Order, or Provisional Certificate, be extended to Thursday the 8th day of this instant June.—(<i>The Chairman of Ways and Means</i> .)	
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Army Corps Training Bill— <i>Ordered</i> (<i>Mr. Secretary Hardy, Mr. Stanley, Mr. William Henry Smith</i>); <i>presented</i> , and read the first time [Bill 182]	1553
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Ordered, That the Select Committee on the Waterford, New Ross, and Wexford Junction Railway (Sale) Bill do consist of Five Members, Three to be nominated by the House, and Two to be nominated by the Committee of Selection.

Ordered, That Mr. Ridley, Captain Hood, and Mr. Blennerhassett be Members of the Committee,—(*Mr. William Henry Smith.*)

COMMONS, THURSDAY, JUNE 8.

PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS—MORNING SITTINGS—

Question, Mr. P. A. Taylor; Answer, Mr. Disraeli 1554

PARLIAMENT—PRIVILEGE—EXCLUSION OF STRANGERS—Question, Mr. Charles

Lewis; Answer, Mr. Disraeli 1555

Commons Bill [Bill 51]—

Bill *considered* in Committee [*Progress 1st June*] 1556

After long time spent therein, Bill *reported*; as amended, to be considered upon *Monday* 19th June, and to be *printed* [Bill 184.]

SUPPLY—Order for Committee read; Motion made, and Question proposed,
“That Mr. Speaker do now leave the Chair:”—

METROPOLIS—HYDE PARK CORNER—RESOLUTION—

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “the annually increasing congestion of traffic in the approaches to Hyde Park Corner has become the source of hindrance, annoyance, and danger to the public, and merits the early attention of this House,”—(*Mr. Christopher Beckett Denison,*)—instead thereof 1576

Question proposed, “That the words proposed to be left out stand part of the Question:”—After short debate, Amendment, by leave, *withdrawn*.

Main Question, “That Mr. Speaker do now leave the Chair,” put, and *agreed to*.

SUPPLY—*considered* in Committee—CIVIL SERVICE ESTIMATES—CLASS I.—

(In the Committee.)

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- (2.) £95,105, to complete the sum for Royal Parks and Pleasure Gardens.—After short debate, Vote *agreed to* 1583
- (3.) £112,938, to complete the sum for Public Buildings.—After short debate, Vote *agreed to* 1584
- (4.) £13,440, to complete the sum for Furniture of Public Offices.
- (5.) £25,569, to complete the sum for Houses of Parliament.
- (6.) £4,360, to complete the sum for the new Home and Colonial Offices.—After short debate, Vote *agreed to* 1587
- (7.) £9,506, to complete the sum for Sheriff Court Houses, Scotland.—After short debate, Vote *agreed to* 1587
- (8.) £2,084, to complete the sum for National Gallery Enlargement.—After short debate, Vote *agreed to* 1588
- (9.) £143,718, to complete the sum for Post Office and Inland Revenue Buildings.
- (10.) £11,573, to complete the sum for British Museum Buildings.
- (11.) £46,050, to complete the sum for County Courts Buildings.
- (12.) £4,043, to complete the sum for Science and Art Department Buildings.
- (13.) £105,500, to complete the sum for the Surveys of the United Kingdom.—After short debate, Vote *agreed to* 1589
- (14.) £7,405, to complete the sum for Harbours, &c. under the Board of Trade.
- (15.) £7,500, to complete the sum for the Metropolitan Fire Brigade.
- (16.) £194,991, to complete the sum for Rates on Government Property.
- (17.) £951, to complete the sum for the Wellington Monument.—After short debate, Vote *agreed to* 1590
- (18.) £65,000, to complete the sum for the Natural History Museum.—After short debate, Vote *agreed to* 1590
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- (2.) £2,997,000, Provisions, Forage, Fuel and Light, Transport, &c.
- (3.) £800,600, Clothing Establishments, Services, and Supplies.
- (4.) Motion made, and Question proposed, "That a sum, not exceeding \$1,229,000,
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- (5.) Motion made, and Question proposed, "That a sum, not exceeding £845,100, be
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- (6.) £144,100, Establishments for Military Education.—After short debate, Vote
agreed to
- (7.) £36,600, Miscellaneous Services.—After short debate, Vote *agreed to*
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To leave out from the word “That” to the end of the Question, in order to add the words “in the opinion of this House, it is desirable that the recommendations contained in the recent Report of the Factory and Workshops Acts Commission, relating to the enforcement of the attendance of children at school, should be introduced in any measure for improving the elementary education of the people,”—(<i>Mr. Mundella</i>),—instead thereof.	
Question proposed, “That the words proposed to be left out stand part of the Question.”	
After long debate, <i>Moved</i> , “That the Debate be now adjourned,”—(<i>Mr. Kay-Shuttleworth</i> :)—After further short debate, Question put, and agreed to :—Debate adjourned till Monday next.	
Customs Laws Consolidation Bill [Bill 154]—	
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Motion agreed to :—Bill read a second time, and committed for Thursday 29th June.	
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Order for Committee read :— <i>Moved</i> , “That Mr. Speaker do now leave the Chair,”—(<i>Mr. Sykes</i>)	1962
After short debate, Question put :—The House divided; Ayes 98, Noes 23; Majority 75.	
Main Question, “That Mr. Speaker do now leave the Chair,” put, and agreed to :—Bill considered in Committee.	
<i>Moved</i> , “That the Chairman do report Progress, and ask leave to sit again,”—(<i>Mr. Dodds</i> :)—After short debate, Question put :—The Committee divided; Ayes 10, Noes 96; Majority 86.	
Bill reported, without Amendment; to be read the third time To-morrow.	
Prisons (Ireland) Bill—Ordered (<i>Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland</i>); presented, and read the first time [Bill 197]	
	1963

LORDS, FRIDAY, JUNE 16.

Ecclesiastical Offices and Fees Bill (No. 94)—	
<i>Moved</i> , “That the House be put into a Committee on the said Bill” ..	1964
After short debate, Motion agreed to; House in Committee accordingly.	
Amendments made :—The Report thereof to be received on Monday next; and Bill to be printed, as amended. (No. 123.)	
THE NOBILITY OF MALTA—Question, Viscount Sidmouth; Answer, The Earl of Carnarvon	
	1965
Trade Marks Registration Amendment Bill [H.L.]—Presented (<i>The Lord Chancellor</i>); read 1 ^a (No. 121)	
	1965
General Police and Improvement (Scotland) Provisional Order (Lerwick) Bill [H.L.]—Presented (<i>The Lord Steward</i>); read 1 ^a ; and referred to the Examiners (No. 122)	
	1965

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Queenborough Harbour Bill (by Order)—

Moved, "That the Bill be now read the third time,"—(*Mr. Pemberton*) .. 1966

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "having regard to the fact that a Royal Commission has lately been appointed to investigate the affairs of Unreformed Corporations, it is not desirable to proceed with a Bill conferring fresh borrowing and taxing powers upon a Corporation which has been bankrupt under circumstances disclosed in a Memorial ordered by the House of Commons to be printed 30th July 1875,"—(*Sir Charles W. Dilke*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Question put:—The House *divided*; Ayes 143, Noes 84; Majority 59.

Main Question put, and *agreed to*:—Bill read the third time, and *passed*.

ARMY—CAPTAIN ROBERTS, 94TH REGIMENT—Question, Mr. E. Jenkins; Answer, Mr. Gathorne Hardy	1970
CHINA—MURDER OF MR. MARGARY—REPORT OF THE MISSION—Question, Sir George Campbell; Answer, Mr. Bourke	1971
MERCHANT SHIPPING ACT—LIGHT DUES—Question, Mr. Grieve; Answer, The Chancellor of the Exchequer	1971
HELGOLAND—Question, Captain Pim; Answer, Mr. Disraeli	1972
SALMON FISHERY ACT—THE RIVER WYE—Question, Mr. Clive; Answer, Mr. Assheton Cross	1972
OWNERS OF LAND (ENGLAND AND WALES)—THE NEW "DOMESDAY BOOK" —Question, Sir Henry Jackson; Answer, Mr. Sclater-Booth	1972
PUBLIC HEALTH—SOLIHULL SANITARY AUTHORITY—Question, Sir Henry Jackson; Answer, Mr. Sclater-Booth	1973
INLAND REVENUE (OUT-DOOR DEPARTMENT)—THE PLAYFAIR COMMISSION— Question, Mr. Wheelhouse; Answer, The Chancellor of the Exchequer	1973
INLAND REVENUE—THE MALT TAX—Question, Mr. Storer; Answer, The Chancellor of the Exchequer	1973
EDUCATION DEPARTMENT—GRANTS TO ELEMENTARY SCHOOLS—KEYNSHAM BRITISH SCHOOL—Question, Mr. Mundella; Answer, Viscount Sandon	1974
TURKEY—ASSASSINATION OF MINISTERS—Question, Mr. John Bright; Answer, Mr. Disraeli	1975
THE FUGITIVE SLAVE COMMISSION—THE REPORT—Question, Sir William Harcourt; Answer, Mr. Assheton Cross	1976

SUPPLY—Order for Committee read; Motion made, and Question proposed,
"That Mr. Speaker do now leave the Chair:"—

TAXATION IN MALTA—RESOLUTION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is inexpedient in policy, and mischievous as an example to other Nations on the shores of the Mediterranean, to continue to levy ten shillings a quarter on wheat imported into the island of Malta, and other high Duties of a protective character on grain and cattle,"—(*Mr. Potter*),—instead thereof 1976

Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Question put:—The House *divided*; Ayes 130, Noes 84; Majority 46.

ARMY—SPECIAL ALLOWANCES TO THE BRIGADE OF GUARDS—Observations, Mr. A. Moore; Reply, Mr. Stanley:—Short debate thereon	1989
CRIMINAL LAW—ADMINISTRATION IN SUMMARY CASES—Observations, Mr. Hopwood; Reply, Mr. Assheton Cross	1993
AUDIT OF ARMY AND NAVY EXPENDITURE ACCOUNTS—Observations, Mr. J. Holms; Reply, The Chancellor of the Exchequer:—Short debate thereon	2001

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PUBLIC BUSINESS — SCOTCH BUSINESS—Observations, Sir George Campbell; Reply, Mr. Assheton Cross:—Short debate thereon	.. 2015
Main Question “That Mr. Speaker do now leave the Chair,” put, and <i>agreed to</i> .	
SUPPLY— <i>considered</i> in Committee—NAVY ESTIMATES— (In the Committee.)	
Motion made, and Question proposed, “That a sum, not exceeding £109,194, be granted to Her Majesty, to defray the Expenses of the several Scientific Depart- ments of the Navy, which will come in course of payment during the year ending on the 31st day of March 1877”	.. 2019
After short debate, <i>Moved</i> , “That the Chairman do report Progress, and ask leave to sit again,”—(Mr. Rylands:.)—After further short debate, Motion, by leave, <i>with- drawn</i> .	
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<i>Moved</i> , “That the Bill be now read a second time,”—(Sir Michael Hicks- Beach)	.. 2024
After short debate, Question put, and <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for <i>Thursday</i> next.	

TWENTY-FIRST PARLIAMENT OF THE UNITED KINGDOM.

LORDS.

SAT FIRST.

MONDAY, MAY 8, 1876.

Charles Edward Hastings Lord Hastings, after the death of his Mother.

MONDAY, MAY 15.

The Viscount Leinster, after the death of his Father.

MONDAY, MAY 29.

The Earl of Huntingdon, after the death of his Father.

NEW PEER.

THURSDAY, JUNE 15, 1876.

Thomas George Lord Northbrook, G.C.S.I., having been created Viscount Baring of Lee in the county of Kent, and Earl of Northbrook in the county of Southampton—Was (in the usual manner) introduced.

COMMONS.

NEW WRITS ISSUED.

FRIDAY, MAY 12, 1876.

For *Cork City*, v. Joseph Philip Ronayne, esquire, deceased.

MONDAY, JUNE 12.

For *Pembroke County*, v. Sir John Henry Scourfield, baronet, deceased.

NEW MEMBERS SWORN.

MONDAY, MAY 15, 1876.

Aberdeen County (Western Division)—Lord Douglas William Cope Gordon.

MONDAY MAY 30.

Cork Goulding, esquire.

HANSARD'S PARLIAMENTARY DEBATES,

IN THE

*THIRD SESSION OF THE TWENTY-FIRST PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
APPOINTED TO MEET 5 MARCH, 1874, AND THENCE CONTINUED
TILL 8 FEBRUARY, 1876, IN THE THIRTY-NINTH YEAR OF
THE REIGN OF
HER MAJESTY QUEEN VICTORIA.*

THIRD VOLUME OF THE SESSION.

HOUSE OF COMMONS,

Wednesday, 3rd May, 1876.

MINUTES.] — SELECT COMMITTEE — *Second Report*—Public Accounts [No. 207].

PUBLIC BILLS — *Ordered — First Reading* — Public Records (Ireland) Amendment* [141]; Legal Practitioners (Ireland)* [142].

Second Reading—Registration of Voters (Ireland) [4], *put off*.

Third Reading — Trade Union Act (1871) Amendment* [92]; Salmon Fisheries* [60], and *passed*.

REGISTRATION OF VOTERS (IRELAND)
BILL—[BILL 4.]

(*Mr. Mitchell Henry, Mr. Meldon, Mr. Smyth,
Mr. Shaw, Mr. Sullivan.*)

SECOND READING.

Order for Second Reading read.

MR. MELDON said, that in the absence of the hon. Member for Galway (Mr. Mitchell Henry), he begged to

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move that the Bill be now read the second time. In asking the House to assent to the second reading he was not asking them to assent to anything which was not at the present time law in England, or to anything which had not already been agreed to, almost unanimously, by the House of Commons:—the principal portion of the Bill sought to extend to Ireland the provisions of the Act of 1865 for the Registration of Voters in England. The first three clauses simply proposed to extend to the counties in Ireland a law which had proved eminently satisfactory in its operation in England, and the provisions of the latter part had already been approved of by the House of Commons, inasmuch as it proposed to extend to Ireland the provisions of a measure which passed through the House in 1873 almost without a dissentient voice. The other provisions of the Bill were mere matters of detail, intended to remedy certain defects in the existing registration laws. The

principal object of the Bill was to amend the mode of procedure of the Revision Courts for the Parliamentary voters. The procedure was briefly this—at these Courts three lists came up for revision. The first of these contained the names of the existing voters, after the names of those who had died or become disqualified since the last revision had been struck off by the proper officials. The next list was that of rated occupiers whose claims were for the first time placed upon the register. It was with this list that this Bill almost exclusively dealt. The third list comprised those persons who came forward to claim for themselves to be put upon the register. With that last this Bill scarcely dealt at all, and therefore it would not be necessary to call the attention of the House to it. Now, the system adopted in Ireland had been approved of over and over again, and was the very best system that could be followed for the correct revision of the list of Parliamentary voters. The officials concerned in the matter were in three classes: first, the clerks of the peace, who had the charge of the procedure in the Revision Courts. This official did not himself possess the means of knowledge whereby to form a correct list of voters, but was simply, as it were, the officer of the Court to see that the lists were in a correct form, that the rules were complied with, and to assist the Revising Barrister more in the capacity of a registrar than anything else. The next public official was one of great importance, being very much in the position of the overseers in England, except that he was selected for competency, and was paid. The third class of officers were the poor rate collectors, whose duty it was to collect the rates, and who had an intimate knowledge of the persons who were rated in the books. In boroughs the town clerk discharged the duties which the clerk of the peace and clerk of the Union discharged in the counties. A better system for the registration of votes than this he did not think could possibly be devised. He now came to describe the mode in which the lists for the revision of the Revising Barrister were prepared. The clerk of the peace issued a precept to the clerks of the Unions and town clerks every year to furnish the clerks of Unions and town clerks with copies of the existing register, and it then became the

duty of the clerk of the Union, with the assistance of the poor rate collectors, to revise the existing register by marking objections against the name of every man appearing there who had ceased to be entitled to the franchise by reason of non-occupancy, death, the non-payment of rates, or from any other cause. Further, they marked objections against the names of any persons who they might have reasonable cause to believe were not entitled to the franchise. The lists, with these alterations, were returned before the 8th July. No notices of objections were required to be served; the objections being stated on the lists by the officials; the parties objected to were bound to come up and substantiate their claims. It was with those lists that this Bill proposed to deal. These lists, thus prepared, were published on the 22nd of July to the public; after which any person was entitled to take objections to any persons whose names were upon the lists. In order that the objection should be valid it was merely necessary that it should be stated and put into the Post Office, and a duplicate signed by the Postmaster. That was the only proceeding which need be taken, unless the person objected to came up to substantiate his claim to be upon the register. The objections were quite general in their character, no grounds whatever being stated. Now, if the object were that the persons objected to should be called upon to prove their claims, it would be right to place upon the notice of objection the ground relied upon by the objector in order that the claimants might have notice what they would have to meet; but suppose the case of a person who was really qualified, and that this notice was merely given for the purpose of obstruction, how was the objection to be dealt with? If there were any doubtful point he might possibly be aware of it; but as it was he must come down to Court perfectly prepared to rebut every ground of objection which might possibly be alleged against him. That was an extremely hard case. Moreover, the party objecting was not even bound to be present when the case came before the Revising Barrister for adjudication; whereas, if the person objected to was not present when his name was called to prove his right to be put upon the list, his name was immediately struck

Mr. Meldon

off. The English Registration Act of 1865 required that when a party objected to a person's name being retained on the register he should state the grounds of his objection, and what he (Mr. Meldon) sought was to extend that provision to Ireland. The Act of 1865, however, dealt only with counties, and had never been extended to boroughs. There was no earthly reason, however, why the same law should not apply equally to boroughs as to counties. The next clause of the Bill provided that each ground of objection was to be treated as a separate objection. There was nothing new in that provision, as it was identical with one contained in the Act of 1865. Another clause provided that costs should be awarded in case the objections should not be sustained; and power was given to the Revising Barrister to award such costs as in his discretion he might think fit. That, again, was taken from the Act of 1865. With this difference—that while that Act allowed costs to the extent of £5, this clause left the costs to the discretion of the Revising Barrister. The Bill so far was designed to prevent the wholesale service of objections which had hitherto been the practice in some parts of Ireland where the register was contested. The practice was for each party to serve an objection upon every person whose name appeared upon the list who might be supposed to be a political opponent. And not only that, for an objection was served by both parties upon every person whose political opinions they were not sure of. Surely that was a system never intended by the Legislature. It was never intended that the franchise should be made a shuttlecock between two political parties. Take the case of the two great counties of Dublin and Carlow. In those two counties money had disfranchised more than one-half the electors. And this was how it happened in Carlow. Up to 1868 every person who chose to make a claim was entitled to be put upon the list. At that time only one of the great political parties fought in the registration Courts; they spent large sums of money; great numbers of unqualified persons were placed on the list; and since 1868 no one had come forward to take the trouble or spend the money necessary to purify the list; and consequently every fictitious voter who had been placed upon the list

previous to 1868 still remained on it. As to Dublin. In that county in 1868 there were between 6,000 and 7,000 persons on the register; there were now little more than 4,000. Why was this? Because there the practice prevailed that both parties objected to the name of every claimant on the supplementary lists whose politics they either knew were hostile or doubtful; so that unless these persons went to the trouble and expense of coming up and proving their claims they were struck off. In 1868 there were on the supplementary lists—official lists prepared by responsible authorities—3,148 claimants; to these there were made 2,969 private objections and 2,969 by registration agents. The number admitted was about 600—and 2,368 were struck off, because the claimants would not or could not attend. So in 1873 the claimants on the official lists were 3,974—to these there were 3,901 objections; 171 claims were admitted and 3,730 rejected. And what was the result of this system? He ventured to say that it was one of the most corrupt systems that could possibly be imagined, because what did it come to? The registration of some counties in Ireland depended not upon the number of those who were entitled to the franchise, but simply upon the expenditure of money. It depended upon which side had got the most money to spend. Surely this was sufficient to show that there was some fault somewhere—that there was something in the existing system which demanded immediate remedy. A part of that remedy which he proposed was contained in the first six clauses of the Bill. What he desired was, that the law should be put into a state that would throw some amount of responsibility upon the party objecting, that he should not be permitted to serve his notices without any responsibility; that he should be bound to communicate his objection to the party objected to; and that when the matter came before the Chairman the Chairman should be bound to investigate each separate ground of objection before putting the voter to the trouble of coming down to defend himself against frivolous objections. These were the provisions which had been found to answer in England, and which had been acted upon since 1865 with the best effect. He did not in the slightest degree seek to interfere in the arrange-

ments made under the Act of 1865—he simply asked that those provisions should be extended to Ireland; and he could not see on what grounds the House could refuse. So far, then, as the first six clauses were concerned there could be no objection to the Bill. The seventh was a clause which had been favourably reported upon by a Select Committee of that House. It was also assented to by the House in 1873, when after the fullest discussion a Bill was carried embodying these provisions for England and Wales. The clause appeared to him to be one of the fairest that could possibly be. What did it enact? That when one list had been prepared by the officials under the superintendence of the town clerk in boroughs, and the clerk of unions in counties, no private person should put any person whose name appeared to be there to proof of his qualification unless *prima facie* cause was shown before the Revising Barrister that there was reasonable ground of objection. In this, he was not asking the House to assent to anything new. In 1869 a Committee sat, composed of some of the first men on the opposite side, including the present Chancellor of the Exchequer. Evidence was given showing that the system of Ireland was infinitely preferable to the system in England. The ground of preference was that in Ireland the overseers were a paid body, the individual responsibility resting on the clerks of unions and the town clerks in boroughs, assisted by the collectors of rates, who knew when each man came and when he went, and who paid rates, and who were occupiers. The Committee recommended that the preparation of the list of voters in England should be entrusted to the clerk of the assessment authority, and that he should have power to employ the rate collectors or other parochial officers to assist in the preparation of such list. Then they recommended that the ground of objection should be stated, and that the objector should be called upon to give some *prima facie* evidence of the ground of his objection before the voter was called upon to sustain his vote. That was exactly the provision he had placed in the present Bill. The Committee also recommended that there should be one register for municipal and Parliamentary purposes. That was the principal point on which the Bill was thrown out by the House of Lords. The Bill in-

cluded provisions for vexatious objections. It was considered in this House in 1873. with the greatest deliberation; it was the subject of several discussions, and the only ground of objection was as to whether the Revising Barrister should be bound to investigate on oath the ground of objection before he called upon the voter to defend it. If any objection was raised to this clause it could be discussed in Committee, and to the remaining clauses he did not think there could be the slightest objection. They heard no complaints from those parts of Ireland where the registry was self-working as to impurity of elections in these districts—he defied any one to produce evidence that there was any dissatisfaction, or any reason to suppose that when the registration was self-acting there was any discontent. He further proposed that the persons who prepared the lists should be bound by oath faithfully and honestly to discharge their duty. Then there was an existing provision that the persons who received Poor Law relief should be disfranchised. This he thought a very unfair course to persons who had only received medical relief and he would provide that the person who merely received medical relief should not be disqualified. It was provided that Revising Barristers should have power to enforce the evidence of witnesses whom they summon. Previous to 1868 in every polling district there was a Court for the revision of votes, and the voters had to travel the same distance to claim his vote as he had to record it at the elections; but since the passing of the Ballot Act the number of polling places had been increased, while the number of Revision Courts remained the same. The consequence was that while a man might have to travel only three or four miles to give his vote he might have to travel 30 or 40 to get placed on the register. In the county of Dublin alone he would have to travel nine or ten miles. The Lord Lieutenant, indeed, had power to increase the number of Revising Courts; but the Committee to which he had referred felt this was not sufficient, and expressed an opinion that powers should be exercised for the purpose of providing all reasonable facilities to persons desirous of placing their names on the voters' lists. This recommendation had not been acted upon; and he therefore now proposed an

amendment of the law in this respect. He did not wish to interfere with the discretion of the Lord Lieutenant. He left it to him to say where it was convenient that a district Court should be held; what he proposed was that there should be one in each polling district subject to the decision of the Lord Lieutenant. There were also in the Bill some amendments relating to details of procedure. For instance, unless you gave the exact address of the person objected to, the objection was held to be invalid;—or it might be sent to a man who was abroad, or whose residence was not on the lands that gave the vote. He proposed, to meet this, the post town should be placed on the list in the register in order that the objection might reach its true destination. He had now gone through the Bill—as he had said, it was in substance the same Bill that had passed this House in 1873, but met with an accident in the House of Lords. The clauses were open to amendment in Committee, and he would only say in conclusion that he hoped the House would consent to read it the second time.

Motion made, and Question proposed, “That the Bill be now read a second time.”—(*Mr. Meldon.*)

MR. GIBSON, in moving that the Bill be read a second time on that day six months, said, he opposed the Bill because he did not think the hon. and learned Member had made out a case for the passing of the Bill through that House. He objected to it because it proposed to establish in Ireland a system of registration that did not exist in England; and further, it would establish in the future a difference between the law of Ireland and the law of England on the subject. It should not be lost sight of that as recently as 1874 this question of the registration of voters in Ireland was considered by a Committee of this House; the hon. and learned Member for Kildare was one of the minority who attempted to secure a Report favouring the change he now proposed, and it was simply because the hon. and learned Member differed from the Report of that Committee that he was attempting to invalidate it by an alteration of the law. The Preamble of the Bill set forth that it was desirable to facilitate the registration of voters in Ireland. That might be fair and reason-

able; but it was one thing to set it forth in a modest Preamble, and another to show that it was warranted by the facts. Did not facilities exist to a reasonable extent for the registration of voters? Was there not an adequate power for repressing and punishing vexatious objections? These were the real points that underlay the Bill of the hon. and learned Gentleman, and he must make out the affirmative of the proposition before he could expect the Bill to pass. He (Mr. Gibson) ventured to think that it might be put in another way, and that the Bill as it stood at present would facilitate voting by those who had no right whatever to the franchise. That would be the effect of the Bill. According to the testimony of Conservative agents and Liberal agents, if it were not for the power of objecting, hundreds and thousands of people who had no right whatever to be on the list of voters would be registered, and have the right to vote. That was a serious consideration, and one which, if presented in a naked way, would have weight with the House. But although the Bill was brought in as a general Bill, dealing with the Revision Courts in Ireland, it was really aimed at two counties, the names of which were not mentioned in the Bill, though they were in the hon. and learned Gentleman's speech. Now those two counties had got an inveterate habit of returning Conservative Members to this House. Except as to those two counties the hon. and learned Member seemed to think that the existing system worked so well that no alteration was needed. As for the details of the Bill they were perfectly incongruous, and were hardly worthy of being formulated in the sections of an Act of Parliament. As for compelling the attendance of witnesses, there was at present power with the Chairmen of the Revision Courts to summon witnesses, and it might almost be contempt on the part of any person to refuse to attend. Another section dealt with the posting of notices of objection. Upon that point he (Mr. Gibson) had nothing to say, although the evidence before the Committee in 1874 went to show that the objections as at present sent reached with tolerable certainty the persons to whom they were addressed. The hon. and learned Member also laid some stress on a section of the Bill in reference to the power of adding to the number of the

Revision Courts. He spoke upon the subject with considerable force, as if a great amount of injustice had been done by the present Government, who had only been in office two years. It had been competent, however, for any Government which had been in office during the last 20 years to add to the number of the Revision Courts, and if it had been properly represented to the Viceroy under the late Government, Earl Spencer, he, no doubt, would have fairly considered it, and would have made any addition which was necessary. In the county of Dublin, one had already been added, and another would shortly be added. Whatever inconveniences on this head there really were might be easily remedied by the existing law. So far as any principle could be found in the Bill dealing with the details of registration, that principle was perhaps to be found in the 7th section; and as far as one could extract that principle from that section it was this—that it attempted to shift the onus of proof in a way which would do injustice. To shift the onus of proof in regard to the supplemental list was in fact to make the supplemental list for the first time *prima facie* proof that persons appearing on it possessed all the ingredients necessary to entitle them to the franchise. And what were those ingredients? At present they were four. The person must be rated—he must have paid his rates—he must have been in uninterrupted occupation for 12 months, and he must be either the tenant or the owner. Without all those four points he was not entitled to the franchise. Now, let them consider what was the position of a person whose name appeared on the original list. He was entitled when he had once got there to retain his position unless somebody, having served him with notice of objection, satisfied the Revision Court by affirmative evidence that he had no longer the four ingredients necessary to qualify him. That put the voter on the original list in a much more favourable position than he would occupy in England. But there was now a wide difference between the original register, upon which the voter had got by giving proper evidence of qualification before the Revision Court, and the supplemental list. What was the supplemental list, and who were the parties who prepared

it? What were their means of knowledge? The person who was in the main answerable for the preparation of the supplemental list was the clerk of the Poor Law Union—a person who was acquainted with the poor rates only. He was aided by the poor rate collectors. These parties prepared a supplemental list of rated occupiers, whose names did not appear on the old list of parties who were rated and had paid their rates. But the fact of a person's name being on the supplemental lists only proved the possession of two out of the four ingredients necessary to constitute the right to the franchise. The persons who prepared that list had no means of testing the length of occupation, or whether the occupation had been uninterrupted, or of knowing the fact of tenancy or ownership. In cases of partnership or joint occupancy, how was the poor rate collector to know the nature of those partnerships or whether they existed at all? He was only interested in getting his rates, and these were questions which could only be ascertained and decided in the Revision Courts upon proof by the persons claiming the franchise. The county Dublin had been mentioned; and he would put to the House this case, which would occur in hundreds of instances. It had an enormous number of villa residences on the sea coast. How were the poor rate collectors to know, in reference to these villas, whether there had been a sub-letting or not? Yet if there had been that sub-letting, it would disqualify the tenant for the franchise. Then, again, take the case of a rate struck in June—the rate was generally collected by January—the supplemental list was prepared in the following July. The rate collector would be unable to record a single change which had occurred in the occupancy of houses between the preceding January and July. He would have collected all his rates in January, and if occupation had ceased subsequently how was he to get the information? Just as great an injustice was done to the community by placing on the register thousands of people who had no right to be there, as by excluding a few people who would not take the trouble to walk across the street, and to do the one or two things, generally at no expense whatever, which were necessary to substantiate their claim to the franchise. As it was, a man

got a certain benefit by having his name on the supplemental list. It proved before the Revision Court that he was rated, and that he had paid his rates; it set out his name and address and qualification; and dispensed with the necessity of his serving notice of his claim. To get at the benefit conferred on a person by having his name on the supplemental list you had only to contrast his position with the position of an ordinary claimant who had to prove all those facts which in the other cases were taken for granted. To anybody who at all cared to have the franchise, that was an enormous advantage, and a very substantial gain. In the great majority of the counties of Ireland, in every case where there was no notice of objection served, a person on the supplemental list got put on the register without producing any further proof at all. If an objection was served upon him he was not bound to attend personally, but might send a friend, or even a servant, to substantiate his claim. If he was willing to take the simplest trouble to show that he really cared a little about the franchise, he could, if he was entitled to it, easily get it. His landlord's receipt for rent was accepted in every Revision Court in proof of his tenancy, and he invariably, if he applied, got his costs from the objector. Was there, therefore, anything in the position of a man on the supplemental list to call for alteration or for further legislation? In the speech of his hon. and learned Friend, he failed to detect a single argument in favour of any change. Something had been said in regard to objections. Well, did his hon. and learned Friend think he could prevent objections so long as they lived in a free country and retained the privilege of grumbling and objecting? It was suggested in the Bill that they should, in giving the notice of objection, state the grounds of objection; and the hon. and learned Member assumed that at present that was really the state of the law in England. It was only so, however, partially—it was so in the English counties, but not in the boroughs. He (Mr. Gibson) would admit that in the case of a voter already on the register it was not fair that he should be served with an objection without any ground for it being set forth, but in regard to a new claimant whose right to the franchise had never been proved there was

nothing unreasonable in his being served with a general objection in order to compel him to substantiate his claims. That was all that was done by the present law. If this Bill were to pass the constitution of the electoral roll would be really handed over to the poor rate collectors. He (Mr. Gibson) would say nothing against them personally; but, as a class, they were of such a rank and position in life that he would not like to hand over to them the entire management of the franchise of Ireland. Many of them were very strong partizans, and when they were made masters of the situation, freed from the knowledge that their work would be afterwards sifted and tested by the Revising Courts, they would practically become irresponsible. He was certainly not in favour of handing over the great organization and machinery, which must have a very great effect on the constitution of this House, and therefore the welfare of the country, to people of this kind. It was idle to suggest that the oath which was under this Bill to be taken by the rate collector would affect the way in which he regarded the performance of his duty. The man's taking an oath would be no guarantee for his not taking an erroneous view of his duty. The hon. and learned Member had scattered his objections to the position of Dublin and Carlow broadcast; but he (Mr. Gibson) saw nothing in the evidence before the Committee to bear out his statement that there were people on the register in Carlow who were not entitled to be there. It might be that hon. Members had some feeling about the representation of that county. For himself, he (Mr. Gibson) personally would be very sorry to see its representation changed, and the House would be very great losers if they lost either of the Members who represented that county. In reference to Dublin, the hon. and learned Member endeavoured to show that there were some thousands of claimants who had the qualification, but who did not get upon the register. He (Mr. Gibson) thought the hon. and learned Member had overlooked the peculiar condition of that county, where there were thousands of persons who occupied villas for temporary purposes, and who had the necessary qualifications as to rental, but not that of sufficient residence. Then the hon. and learned

Member complained of the large numbers who did appear on the supplemental list who had objections made to them. The fact he (Mr. Gibson) believed to be, the same names appeared over and over again in the supplemental list, and it proved that the persons on that list who were objected to did not care enough about the franchise to take the slightest trouble to secure it. When they were urged by the political agents to go forward and prove their claim in many cases they did so, and then they were placed on the register; but in other cases they did not, and they would not. He believed that in many cases in the county Dublin the people actually wished not to be on the register. It had been stated by the hon. and learned Member that a Bill somewhat similar to this was introduced and carried through this House in 1873. So far as it went the hon. and learned Member was entitled to rely on that fact; but he (Mr. Gibson) must point out that that Bill was very slightly discussed in this House at the time, the discussion taking place at a time of the Session when it was known it could lead to no result. When the Bill reached the Lords its real character was discovered by Lord Cairns, and the forcible objections which he offered to it applied with equal strength to the present measure. He asked the House not to accept this Bill, because the present registration system had not been shown to work unsatisfactorily. He relied for proof of that assertion on two or three answers given before the Committee in 1874 by Mr. O'Hara, a Liberal and a Roman Catholic, who for many years had acted most impartially as a Judge in the Revision Court of Dublin, and whose word would not be questioned. He said in his evidence that the present system worked well, and resulted in substantial justice being done to the constituencies. He thought it most unwise for anyone to propose this entire change in a system which had prevailed for so many years until it could be shown that it did not work well, and that change was absolutely necessary. He did not think the hon. and learned Member had made out either of those propositions, therefore he moved the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of

Mr. Gibson

the Question to add the words "upon this day six months."—(*Mr. Gibson.*)

MR. M'CARTHY DOWNING said, he had never heard a better account made out of a bad case than the statement just made by the hon. and learned Member (Mr. Gibson). The hon. and learned Gentleman said that the law with respect to registration was the same in Ireland as it was in England. But that was not so, and what the Bill of the hon. and learned Member for Kildare proposed to do was to assimilate the law in both countries. Accordingly every clause in the Bill had been taken from the English Act of Parliament which was now in operation, with the exception of one clause—namely, the 7th, and that his hon. and learned Friend had stated his willingness to see modified in Committee. What, then, became of the argument which had been urged against the Bill by the hon. and learned Gentleman opposite? The supporters of the measure merely appealed to the Government and to the House to apply to Ireland the law which now prevailed in England. It had been said more than once that if Irish Members brought substantial grievances before the House and they remained unredressed, they could not be blamed for asking for their own domestic Parliament. Well, how many Bills having for their object the removal of existing evils had been brought forward by hon. Members from Ireland and rejected? And of all that had been submitted the present was, he believed, one of those to which there was least reason to object. Now, as to the supplemental list of which they had heard so much, he could say that the machinery for its preparation was as perfect as could be devised: a man could scarcely be placed upon it unless he was entitled to the vote. But according to the hon. and learned Member opposite (Mr. Gibson), if his argument were well founded, there must be in every county in Ireland hundreds—nay, thousands—of persons on the supplemental lists who were not entitled to the franchise. In his own county more than 17,000 electors were on the register, but not one on the supplemental list; and it had been stated that in the county of Dublin 3,000 claims on the supplementary list had been objected to; and this was done by both parties, not because there was any sub-

stantial objection to the claims, but because they were willing to take their chance that the claimants would not be at the trouble of travelling 12 or 14 miles to support their claims. Now, the Bill asked that if objection was taken the nature of the objection should be stated on the notice: and what could be said against a proposal which on the face of it was so fair and reasonable? But it was said that if an objection was not sustained the Chairman had power now to give the party costs. The costs, however, were limited to 20s.—a sum which was not sufficient to deter rich men and rich associations from what was called “fighting the counties” in that way. The hon. and learned Gentleman opposite (Mr. Gibson) was not correct in stating that the poor rate collectors would obtain the power of working the machinery and organization in question. The supplemental lists were prepared in this way—The clerk of the Union—not the poor rate collector—made out the supplemental list on or before the 8th of July in each year; and that list purported to contain, or ought to contain, the name of every man who was a rated occupier to the value of £12, who had been rated for a sufficient time, had paid his rates up to the 1st of January, and whose name was not already on the register of voters; and it was prepared with the assistance of the collector, who of all others was the person to know the length of occupancy and payment of rates, and these lists were verified on oath. Under this system, while no qualified person ought to be omitted, no unqualified person ought to be included; and, to guard against any such being put on the list, public notice was given by the posting of copies of the list in the several baronies and also in the several police-stations in the county. The existing system in Ireland, under which a man was compelled to travel 20 miles to prove his right to a vote which was his by law, was a most monstrous one, and he demanded, as a mere matter of justice, that the same law which applied to the voting register in England should be extended to Ireland. The Chairman of the county of Dublin had stated in his evidence before the Select Committee of that House last year that in that county out of the 27,000 persons rated to the amount of £12 a-year, and therefore entitled to the franchise, only some 4,000 were upon the register, and

that this was the consequence of the claimants being compelled to travel such long distances to get their names placed upon the register. He and those who were with him when the present Government came into office, determined to give them a fair trial—especially as the Ministry gave pledges that they would do their best to redress every substantial grievance under which Irishmen suffered. The Government, however, had failed to redeem their pledges, and every Irish grievance that existed when the present Government took office remained unredressed down to the present moment. If every fair and liberal measure that concerned Ireland was to be rejected, then the case of those who demanded Home Rule for that country was made out. In conclusion, he remarked that the Government had a good opportunity by supporting the present Bill of showing that their promises with regard to Ireland were not mere idle words.

MR. BRUEN said, that he should oppose the second reading of the Bill. Instead of any real and substantial grievance having been made out by the promoters of the Bill, the case put forward by the hon. and learned Member for Kildare seemed to him to be unsubstantial and visionary. He denied that the law in England in regard to registration was what had been represented; and if this Bill passed professing to assimilate the law of Ireland to that of England, it would have to be followed by another assimilating the law of England to that of Ireland. As for there not being so many names added to the register as the hon. Gentleman opposite thought ought to be the case, that was to be explained in a great degree by the fact that large numbers of voters preferred being off the register rather than be subject to the importunities and the bullying they inevitably had to undergo at elections. The views expressed by the hon. Member for Cork (Mr. M'Carthy Downing) as to the mode in which the difficulties connected with the supplemental lists were to be corrected amounted to an entire reversal of modern policy in all such matters. The actual effect of the Bill would be to make the supplemental list the virtual register, because if the fact of the voter's name being placed on the supplemental list was to be regarded as *prima facie* evidence of his qualification to be on the

register, why not put him on the register at once? Why did the Act make a distinction between the register and the supplemental list? Clearly because the list did not offer proof of all the qualifications requisite before the claimant could be admitted to vote. No man ought to be put upon the register unless he had the proper qualification; but when he was placed on the supplemental list the only way in which he should be kept off the register was by allowing objections to be made. The power of awarding costs in all cases where vexatious objections were proved to have been made appeared to him to meet all the requirements of the question. In regard to the multiplication of the Revision Courts he thought the hon. and learned Member would much better have expended his ingenuity on an effort to give to the men who were already voters additional facilities for recording their votes, as many of them who were non-resident had to travel many miles to do so. Only three of the clauses of which the Bill consisted were in operation in England, and those not completely so. If the Bill were confined to those three clauses, it would be a comparatively small matter. In Ireland in some respects the law was more favourable to voters than it was in England. That was the case in the making out of the lists. He thought, on the whole, that whatever grievances might be felt in Ireland in relation to the franchise, they would not be remedied by the Bill under consideration, for which, he repeated, no case had in his opinion been made out.

CAPTAIN NOLAN said, that the attempts of the hon. and learned Member for the University of Dublin (Mr. Gibson) to dwarf down to small dimensions the grievance to which the Bill was addressed only served to show the more strongly its reality and magnitude. The practical question for the House was simply this—Were they desirous to give to those in Ireland who were entitled to the franchise facilities for getting on the register? It used to be the favourite theory of hon. Gentlemen on the Conservative benches that the Irish people should be induced to agitate by constitutional means the questions which interested them. But if they endeavoured by a system of frivolous and vexatious objections to keep persons who were really entitled to the franchise, and who in

England would enjoy it, off the register of voters; how could they expect such persons to agitate in a constitutional manner? He was ready to allow that in Ireland there was a great deal of bullying and intimidation at elections, and that that undoubtedly tended to deter many persons from becoming voters. But was that a reason to prevent a House of Commons that had passed the Ballot Bill from giving to those persons a right to which they were entitled, and the means of exercising it? He hoped the Bill would be allowed to pass, as it tended to widen the franchise, and he believed in a large body of electors and a popular suffrage, and not at all in minorities and a restricted one.

MR. FAY said, that the present system of representation in Ireland was a dishonest one. He had seen a great deal of its operation in his own county, and knew how easily it could be abused. If there were only two counties in Ireland that objected to the supplemental list it was plain that men were returned to this House who had no real right to their seats. He had given great attention to the subject to which the Bill referred, and he could state his own deliberate conviction that there was nothing in Ireland that more seriously needed reform. As regarded the great protection afforded by allowing costs against vexatious objections, he found himself regularly struck off at the instance of both parties, and could not get a hearing. He was snubbed. The costs allowed, of which they had heard so much; amounted simply to the railway fare, and he thought it too much that men should be made to sacrifice their time in Dublin and waste a day in Kingstown in order to answer frivolous objections.

MR. MARTEN said, he wished to offer a few observations to the House, in which he would comment on the Bill from an English point of view. It was said that the Bill extended to Ireland only provisions which already existed in England. He found, however, that of the 19 clauses of which it consisted, only the first three contained provisions which could be said to be in force in England; and these were in force only in regard to counties; and if this Bill passed, it would be necessary to introduce assimilating Bills applicable to English and Scotch boroughs. He thought, therefore, that the main ground upon which the Bill

had been made to rest had no existence whatever. The Bill of 1873 contained the same principle in regard to the *onus probandi* as the present Bill; it passed this House, but was shipwrecked in the House of Lords upon this very question. Certainly, it was in his opinion a principle which ought never to be accepted by Parliament. The principle was contained in the 7th clause of the present Bill. It was well known that the electoral lists in Ireland were made out by strong politicians on one side or the other, and who were not *prima facie* men whose position commanded implicit confidence in their official acts. The existing law of registration in Ireland was, he thought, a fair one, as it threw the *onus probandi* upon those who claimed to be put upon the register as new voters. But in Ireland the law was actually more favourable to new claimants than it was in England. He trusted the House would not accept the principle of this clause. The case of the county of Dublin had been mentioned; but that was a singular county, for of 3,901 claims put upon the supplemental list only 171 had been allowed. That showed that the objections did not all come from one side; in fact, the county was worked vigorously by the agents of each party. That showed that the paucity of voters was not occasioned by any consideration of expense. There was not, then, any sufficient reason for altering the present law. By the 12th clause medical relief was not to act as a disqualification. That was a matter that required serious consideration; and he hoped the House would not depart from the existing law without serious deliberation.

MR. RICHARD SMYTH: As I had the advantage of serving on the Select Committee which two Sessions ago inquired into the expediency of amending the law relating to the registration of Parliamentary voters in Ireland, I desire to say a few words on the subject. We may congratulate ourselves on the speech which has been delivered by the hon. and learned Gentleman who has just sat down (Mr. Marten), as it is always desirable to know from what point of view English Members look at Irish questions. Holding the opinions which I do on the subject now before the House, I am, of course, sorry that the hon. and learned Gentleman should have thrown his weight into the scale against the

Bill; but no possible exception can be taken to the spirit in which he has presented his arguments to the House. I agree with my hon. Friend below me (Mr. M'Carthy Downing) that the hon. and learned Member for the University of Dublin (Mr. Gibson) has, on this occasion, discharged with his usual ability a duty which he is accustomed to undertake with good-natured alacrity—that of moving the rejection of a Bill which has the support of the great body of Irish Members. Besides, I do not know any one who could more appropriately undertake the task of opposing a Registration Bill, for the constituency which he represents is far removed from the annoyances of objectors and the scrutiny of Revising Barristers. The hon. and learned Gentleman lays great stress on the circumstance—and therein he has been followed by the hon. Member for Carlow (Mr. Bruen)—that the Bill now under consideration does not follow the lines laid down in the Report of the Select Committee. That is, no doubt, so, for the obvious reason that the Committee reported in favour of letting things alone; and it would be absurd to expect any Bill to be introduced into this House with the avowed object of making no change whatever in the law. But that Report was agreed to on the casting vote of the Chairman. The Committee consisted of 15 Members, of whom 8 appeared to think that the present law was about as perfect as human wisdom could devise; whilst the remaining 7 thought it could be improved, and this Bill suggests the improvements which found favour with the minority. I do not know whether the hon. and learned Member for Kildare (Mr. Meldon) expects to carry his Bill; but, whether he does or not, I think it well that the House of Commons and the country should clearly understand what the system is which so many hon. Members think perfection. It would be ridiculous to parade this as a strictly Irish grievance. Happily there are many questions affecting Ireland which we can discuss without appealing to national prejudices, or resorting to the language of national complaint, and this is one of them. Ireland, I suppose, is no worse off than England in this matter. We have been told so by the hon. Member for Carlow, and we can believe it. But what of that? If Englishmen are content with a defective

system, that is no reason why Irishmen should be content with it. It may be a very good rule, that what cannot be cured ought to be endured; but I think it is an equally good rule, that what can be cured ought not to be endured. And if England is patient under political blemishes which she could easily remove if she liked, I think Ireland is just as virtuous in being impatient under them. It has been asserted that the Bill of the hon. and learned Member for Kildare has been introduced to meet and cure the evils which are incident to two counties only in Ireland—the county of Dublin and the county of Carlow. That is not at all so; the same evils are latent everywhere. They have been developed in Dublin and Carlow because politics have been in great activity there for many years. Political parties in the county of Dublin have used the law most faithfully, and, in doing so, have proved its absurdity. It is strange to find that the more strictly the law is applied the more absurd it becomes. We have it in evidence that the tenements in the county of Dublin valued at and over £12, being the amount which gives the county franchise in Ireland, number 27,000, whilst in 1874 there were only 4,300 voters on the register. Allowing 12,000 occupiers to be deducted for females and duplicate returns, there still remain 11,700 to be accounted for, but that is not all. The clerks of the Unions in that county return between 3,000 and 4,000 rated occupiers each year as entitled to be put for the first time on the Parliamentary register; and Mr. Carleton, the deputy clerk of the peace, states that seldom more than 100 men are registered upon the supplemental list at each revision. The House will remember that there are virtually three lists laid before the Revising Barrister. First, there is the list of those who were on the roll in former years; secondly, there is the supplemental list, containing new names returned by the county officials; and thirdly, there is the list of claimants who, having been omitted by the clerks of Unions, yet claim to be put on the register. Now, as regards objections, those who object to the first list are bound to sustain their objection by proof, even although the objection is not rebutted; but those who object to the second list do not require to produce any proof at all, and if the

person objected to do not appear to defend himself, either personally or by attorney, he is struck off as a matter of course. It is in the mode of dealing with this second list that the whole evil lies. Objections are served wholesale, in the hope that no defence will be made before the Revising Barrister; and if no defence is taken, why the name is struck off at once. Well, in the county of Dublin, where parties are very active, there are each year, say, 3,500 names on the supplemental list. One-third of them are Conservatives; they are objected to by the Liberals. One-third are Liberals; they are objected to by the Conservatives. The remaining third are doubtful, and their case is the most hopeless of all, for they are objected to by both sides, and are ignominiously dismissed without a friend. The result is that out of 3,500, whom the county officials return as qualified voters, only 100 get a vote—and this is the system which the majority of the Select Committee consider so perfect as not to be susceptible of any amendment whatever. One of the political agents, when under examination before the Committee, was asked if they did not sometimes make mistakes and keep their own friends off the register. “No,” said he, “not in Dublin. It runs very much Catholic and Protestant. You find out a man’s religion, and you are pretty safe in one way or the other. That is about it. The only mistakes that we ever made were amongst Presbyterians. We sometimes do not know what to do with them.” Here is a remarkable state of things. These Presbyterians in the county of Dublin do not allow their creed to dominate their politics, but take their own way as citizens, without considering what religious dogmas they have subscribed to. Some of them are very much afraid of the Pope, and, of course, they are Conservatives. Others of them are not one bit afraid of the Pope, but they are very much afraid of being unjust to anybody, and, of course, they are Liberals. And so it comes to pass that because political wire-pullers cannot tell beforehand what a new settler, who is a Presbyterian, will do at an election, they think it safer to relieve him from the discharge of all political duties whatever. I do not lay, however, much stress on this, because I believe that these Presbyterians in the

Mr. Richard Smyth

county of Dublin, many of whom are Scotchmen, are pretty well able to take care of themselves. But it is not so in the case of the occupiers in other parts of Ireland, and with others in that very county to which I have been referring. It may be asked, why they do not all attend the revision sessions and defend themselves? There is a two-fold reply to this question. In the first place, the notice of objection is served through the post office, and those who know Ireland well are aware that there is no house-to-house delivery of letters in remote country districts. Multitudes of the notices are never delivered at all. But, even if they were, country farmers, living at a great distance from the place where the sessions are held, are not likely to attend or to set legal machinery in motion for their own defence. The exercise of a vote being a remote thing, the stay-at-home farmers are not much excited about securing it for themselves. Mr. Caruth, one of the witnesses, stated that in the county of Antrim some rated occupiers would have to go 18 miles to the revision sessions. Matters, however, appear to be in a happy state in that county. Each side has great faith in the farmers, and the consequence is, that both Conservative and Liberal agents welcome all comers and object to nobody; but no doubt the next General Election will awake one side or other out of its dreams, and Antrim, in a few years, will be as miserably attenuated in its register as the county of Dublin. What my hon. and learned Friend aims at in this Bill is to secure to the people their rights, no matter what political party they belong to, and to take them out of the hands of the persons who do not look at them as citizens, but merely as instruments to be used in their game of politics. The Bill proposes that when an objection is lodged against any man, the ground of the objection should be stated, and, if the objector cannot make it good, he should be made to pay costs. What right should anyone have to bring a farmer 18 miles across mountains for nothing, and when the objector knows it is for nothing? Whatever may be done with this Bill to-day, the tenant-farmers of Ireland will at least understand who they are in this House that are not afraid to see every man in Ireland who is entitled to a vote put on the register without those vexatious annoy-

ances which some hon. Members consider the purifying elements of politics. We on this side of the House are not afraid of the Irish farmers. The more of them who get on the register the better for Ireland, and for England too. If hon. Members look upon the present system as perfect, and announce it by their votes to be so, I am glad that they are not the judges of perfectibility in any matters which lie outside the range of political warfare. The rights of the people ought not to be trifled with in this way. You are only tantalizing the farmers of Ireland by offering them votes, whilst you put it in the power of irresponsible committees to disfranchise them wholesale by simply dropping a piece of paper in the slit of the post office. May I remind the House that the franchise is comparatively higher in Ireland than it is in England? It is therefore all the more necessary to have a registration law that will not unduly restrict the very limited franchise which the people possess. If it is little you profess to give them, let them at least know that they may calculate on getting it, and that the cup of political privilege will not be dashed out of their hand before it has reached their lips. I heartily support the second reading of the Bill.

MR. CHARLES LEWIS denied that the state of the law as affecting registration constituted an Irish grievance, for the law as it stood was more favourable to the Irish than to the English voter. He congratulated the three hon. Members who spoke first on the marvellous debating powers which they had exhibited. They had occupied three and a-half hours, and had thereby done an immense deal for their countrymen. This Bill was supported, he believed, upon four leading grounds: First, the Report of the Committee of 1869 was quoted as a justification of this Bill. Second, the Bill of 1873, which went up to the House, and met with what was called "an accident" there, was said to be a precedent which ought to carry this Bill over the Bar of the House up to the House of Lords. Third, that this Bill would assimilate the law of Ireland to that of England; and the hon. and learned Member for Kildare (Mr. Meldon) especially alluded to the first three clauses as effecting that object. Lastly, that it ought to be passed on account of its inherent propriety and justice. With

regard to the first point, he hoped the House would remember that Parliament had not at present thought it advisable to adopt many of the leading recommendations of the Committee of 1869 as to the English registration; therefore, if it had also declined to do so with regard to Ireland, there was no special grievance in that. He did not wish to disparage that Committee; but it was to be noted that their Report was the Report of only 7 out of its 15 Members. So little interest did they take in the matter that only 7 were present when they met to draw up their Report, and there was a certain homogeneity in the character and politics of those who were present, so that it was impossible to avoid the idea that the Report was a reflection of their own opinions rather than a result of their inquiries. Secondly, as to the Bill of 1873—that most unfortunate Bill—the hon. and learned Member for Kildare had quoted it against him (Mr. Lewis). It was true that he had opposed that Bill with a pertinacity which drew from the Liberal Attorney General some personal remarks. It was true he (Mr. Lewis) did not divide; but any one who was in the last Parliament knew that any attempt by a Conservative Member to oppose any Government measure, and particularly a law Bill, was hopeless. He did his best, however, to oppose a proposition which entirely reversed the whole law of registration with regard to the *onus probandi*; but without success. In the House of Lords, however, the Bill was rejected by a large majority on the very ground that the clauses which professed to get rid of frivolous objections could be worked so as to support and encourage frivolous claims. Then, thirdly, as to assimilation, this Bill proposed to do a great deal more: and, fourthly, as to its inherent propriety and justice, those who had had a long experience in the working of the registration like himself knew that there ought to be in the interests of the *bona fide* voter some restriction on the power of making sham claims. Mr. Roberts, the secretary of the leading Liberal Registration Association in England, being asked before the Committee of 1869, whether without some judicial power exercised in the way he had described, he saw any means of putting a stop to frivolous claims, replied that he did not; because

he could sit down in London and write out a lot of claims for every county in England, and send them to the overseers, who, although they knew nothing of him, would be bound to put the names on the list. Mr. Roberts was then asked whether frivolous claims were put forward extensively; and he said they were, especially as to counties, because in counties claimants were not called upon to prove their qualifications unless they were objected to. There was great fallacy in the Dublin statistics quoted by previous speakers. The disparity between the number of tenancies and the number of voters did not, at all events, wholly arise from any difficulties of registration which this Bill would remedy. The disparity arose from the fact that there were so many villa residences in Dublin that were sub-let, and, as the law stood, unless the actual tenant did not keep a servant on the premises the right to the vote was vitiated. This state of things would, however, be remedied by "The House Occupiers Disabilities Removal Bill," which, strange to say, Irish Members opposite and some English Members who, like the hon. Member for Bath (Colonel Hayter), had the lodging-house element largely prevalent in their constituencies, had determined to prevent passing by Motions for Adjournment and the like whenever it came before the House. Before the Committee in 1874, of which he (Mr. Lewis) was a Member, it was proved over and over again that voters objected to were able without trouble, by speaking to the collector of taxes and empowering him to state to the Revising Barrister the particulars of their holdings, to retain their votes against objectors; and yet hon. Members opposite represented the need of appearing before the Revising Barrister's Court as a difficult, annoying, and distressing process. A Mr. O'Shaughnessy came before the Committee, and complained of his own party (he being a Liberal) giving up its attendance at the Revising Barrister's Court, by which his occupation as an election agent was taken away. He was asked—"Do you believe that the action of political parties in Dublin against each other produced a good register or not?" and he replied, "It has, to an enormous extent." He (Mr. Lewis) then asked—"Suppose the example set by the Liberal Party,"—

Mr. Charles Lewis

that was, deserting the Courts, and giving over its attention to the register, "were to be followed by the Conservative Party, what would be the result?" Answer—"You will have a very good register;" and on being asked what he meant by a good register, he replied—"You would have on it a great many more Liberals than Conservatives." That, it appeared to him, was the solution of this Bill—its result would be that in a large proportion of the constituencies the registers would be stuffed with bad votes, and good votes would not be looked after. This was obvious from the limited call or need of the Bill. It practically only applied to two counties, Dublin and Carlow—or perhaps Cork might be included—because it had been shown that in no fewer than 33 counties no objections had for some time been served by either political Party. With regard to the clauses referred to by the hon. and learned Member for Kildare, as intended to assimilate the law of Ireland with that of England, in some of them provisions were made which had no place in the law of England. For instance, with regard to costs, power was given to the Revising Barrister to award costs at his discretion against an objector who failed to make good his case, so that he could fine an objector £10, £15, or even £50 at his discretion or his vengeance. There was no such discretion allowed by the English law. So careful was the Legislature to limit this power, that for many years the utmost fine that could be imposed in the case of a frivolous or vexatious objector was £1, and it was not until the Act of 1875 that it was extended to £5. Then, again, he (Mr. Lewis) would be extremely loth to give any Revising Barrister power to commit for contempt of Court. It was clear that the aim of the Bill was to put down objectors by establishing a terrorism by which they would be driven out of the Courts. For these and many other reasons, which there was not time to state, he trusted the House would decline to read the Bill a second time; for it was as much in the interests of a pure register to provide against it being stuffed with fictitious votes as it was to provide against fictitious objections.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, he had listened with care to what had been

urged in favour of the Bill, but the Government could not assent to its being now read a second time, and he was bound to say he could not find that a case had been made of necessity for such a change of the existing law. The Committee of 1874, of which he was Chairman, had been rather roughly handled for the conclusions at which they had arrived, and for having given what was called a Party vote: matters of that kind were not generally regarded by any one quite irrespective of Party principles, but he could say for the hon. Gentlemen with whom he acted on that Committee that they most carefully considered the evidence tendered to them on both sides, and that the conclusions at which they arrived were the outcome of a deliberate and conscientious judgment. Having said so much for the Committee, he would not for a moment deny that there were anomalies and inconveniences in the present system of registration in Ireland; but certainly no alternative system, in his opinion, had yet been proposed, either in this Bill or elsewhere, which could be safely accepted. The present Bill, along with certain matters which might very fairly be subjects for discussion in Committee, contained some highly objectionable principles. The most important of these appeared to be in the provisions relating to objections to voters. On this point the Bill differed widely from the English system, although it was brought forward avowedly for the purpose of assimilating the law in the two countries, and he was not prepared to say, however, that some amendment of the Irish law might not be made in that direction. But the cardinal principle of the Bill was contained in the 7th clause, and he could entirely concur with most of what had been urged against it in the course of the debate. To pass such a provision would simply be to put an end altogether to that purification of the Register now only obtainable by the system of objections—at all events, in constituencies composed of a shifting population. For his own part, he should rejoice to get rid of the present system of objections if a better could be found for its purpose; but the requirements of the case were certainly not met by the Bill. It was assumed by the Committee of 1874 throughout their inquiry that the continued occupancy of a house for 12

months was an indispensable qualification for a voter; but to-day the House was told by the supporters of the measure that was a matter of no consequence at all. With this view of the question he could not agree, and important evidence, he might say, was given against it before the Committee. In conclusion, he might state that if it had been possible to let the Bill go into Committee, the Government would willingly have done so; but seeing that it laid down principles which were altogether objectionable, they felt bound to oppose it.

MR. LAW said, that the opponents of the Bill seemed to be haunted by the dread of a few people getting on the register without due qualification, whilst they altogether disregarded the fact that great numbers of persons entitled to have votes were practically disfranchised by the present system. This was a very large question, affecting, as it did, all constituencies where there were political associations on one side or the other. The intentions of hon. Members on his side of the House, he believed, could not be better expressed than by the Report of the Committee of 1869, in which it was laid down that the registration of voters being the business of the State, ought to be placed as far as possible beyond the influence alike of popular apathy or ignorance and the action of political agents. The Committee likewise stated that by the operation of the present registration system a large proportion of persons entitled to vote could only obtain the franchise by troublesome and costly proceedings—a circumstance which involved a great hardship on the working classes. This last consideration, as an argument in favour of the Bill, appeared to him unanswerable; and he could not but think that a measure based on the recommendation of a Committee of which the Chancellor of the Exchequer and others of the present Administration were Members, was at least entitled to the respect of a second reading. It was, however, the old story. Hon. Gentlemen opposite were afraid, after all, of giving full scope to the political opinions of the people. It was all very fine to make ingenious and far-fetched objections to the details of the Bill. What its supporters broadly contended for was that no needless difficulties should be

thrown in the way of persons who were entitled to votes having their names placed upon the register, and he did not think that hon. Gentlemen opposite who took such credit to themselves for promoting the interests of the working classes ought to be so eager to maintain a system of registration which was injurious to those interests, and which a Committee of that House had condemned.

Question put, "That the word 'now' stand part of the Question."

The House *divided*; and the Tellers reported the numbers Ayes 168; Noes 234.

Whereupon the House was informed by Mr. Gibson, one of the Tellers for the Noes, that Mr. Whalley, one of the Members for Peterborough, by inadvertence, had not voted in the Division:—Mr. Speaker directed Mr. Whalley to come to the Table, and asked him if he had heard the Question put; and the honourable Member having stated that he had heard the Question put, and having declared himself with the Noes, Mr. Speaker directed his name to be added to the Noes, and declared the numbers Ayes 168; Noes 235: Majority 67.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for six months.

PUBLIC RECORDS (IRELAND) AMENDMENT BILL.

On Motion of Mr. GIBSON, Bill to amend "The Public Records (Ireland) Act, 1867, Amendment Act, 1875," *ordered* to be brought in by Mr. GIBSON, The Marquess of HAMILTON, Mr. KAVANAGH, and Mr. MULHOLLAND.

Bill *presented*, and read the first time. [Bill 141.]

LEGAL PRACTITIONERS (IRELAND) BILL.

On Motion of Mr. GIBSON, Bill to amend the Law relating to Legal Practitioners in Ireland, *ordered* to be brought in by Mr. GIBSON and Mr. DOWNING.

Bill *presented*, and read the first time. [Bill 142.]

House adjourned at
Six o'clock.

HOUSE OF LORDS,

Thursday, 4th May, 1876.

MINUTES.]—PUBLIC BILLS—*Second Reading*—
Gas and Water Orders Confirmation * (55);
Local Government Provisional Orders * (54).

UNITED STATES—THE EXTRADITION
TREATY—CASE OF WINSLOW.

QUESTION.

EARL GRANVILLE: I wish to ask my noble Friend the Secretary of State for Foreign Affairs, whether he is prepared to answer a Question of which I have given him private Notice? The Question is, Whether, in his opinion, it would be consistent with the interests of the public service to lay on the Table the Papers relating to the very important question which has arisen with regard to the extradition of a person named Winslow?

THE EARL OF DERBY: My answer to the Question of the noble Earl is, that I see no objection to laying those Papers on the Table when the Correspondence now proceeding on the subject is concluded. But within the last few days we have received a fresh communication on the case from the Government of the United States, and I do not suppose our reply can have yet reached that Government. Under these circumstances I think it would be premature to produce any of the Correspondence at the present moment. When it is closed there will be no difficulty in the way of its production.

House adjourned at a quarter past
Five o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 4th May, 1876.

MINUTES.]—PUBLIC BILLS—*Second Reading*—
Chelsea Hospital Accounts * [133]; Kings-
town Harbour * [136].
Committee—Merchant Shipping [49]—*R.P.*
Committee—Report—Treasury Solicitor * [128];
Poolbeg Lighthouse (*re-comm.*) * [140].

VOL. CCXXIX, [THIRD SERIES.]

THE NEW FOREST—INCLOSURE AT
STONEYCROSS.—QUESTION.

MR. COWPER-TEMPLE asked the Secretary to the Treasury, Whether the Treasury have taken any steps to test the legality of an inclosure of about 250 acres recently made in the New Forest near Stoneycross; and, whether the Treasury are intending to maintain such of the forestal rights of the Crown as may be infringed thereby?

MR. W. H. SMITH: An inquiry into the inclosures at Stoneycross is being proceeded with, but owing to the necessity of making searches among the ancient records relative to the history of the manor of Minstead, it has not been possible to arrive at any decision on the subject. The investigation of the records is now, however, completed, and the Law Officers of the Crown are about to be consulted on the subject.

METROPOLIS—NEW COURTS OF
JUSTICE.—QUESTION.

MR. GREGORY asked the First Commissioner of Works, If the progress of the works for the new Courts of Justice is satisfactory, and such as to lead to the expectation that the buildings will be completed within the periods limited by the contract?

LORD HENRY LENNOX, in reply, regretted to state that the progress of the new Courts of Justice had not been so satisfactory as he could have expected or wished; and that notwithstanding the strenuous efforts made by the Office of the Board of Works and by Mr. Street to get the works forward, he was instructed that, according to the present rate of progress, there was very little hope indeed that the Courts of Justice would be finished within the time specified in the contract.

CRIMINAL LAW—EXECUTION OF
GEORGE HILL.—QUESTION.

MR. P. A. TAYLOR asked the Secretary of State for the Home Department, Whether it is the case that at the trial of George Hill, who was recently executed at Hertford, Lord Chief Justice Coleridge in passing sentence of death refrained from wearing the black cap, omitted the

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usual prayer, and also by his language intimated to the prisoner and to the public that the capital sentence would not be carried into effect; whether this was reported to the Home Office by Lord Coleridge or otherwise; and, if so, why the opinion of the Judge who presided at the trial was in this case disregarded contrary to the invariable custom; and, how long before his execution George Hill was informed that the hopes held out to him at the trial would not be realized?

MR. ASSHETON CROSS, in reply, said, it was true that in the case referred to the learned Judge in passing sentence did not put on the black cap or conclude with the prayer which was often used at the end of a sentence for capital punishment. With regard to the latter part of the Question—how soon the man had notice that his sentence would be executed—he was in a position to state, as from the High Sheriff, that immediately the Governor of the prison, the Chaplain, and the Under Sheriff knew, they were instructed to tell the man that he could not entertain any hopes of mercy. He (Mr. Cross) was not aware that the Judge used language to lead the man to the conclusion that the capital sentence would not be carried into effect, nor did he know that Hill entertained any hope that the punishment would be remitted. The responsibility in all these cases rested not with the Judge, but with the Secretary of State. At the same time, no Secretary of State, if a Judge recommended that a man's life should be saved, would ever carry out the last sentence of the law. He could hardly conceive any circumstances which would justify a Secretary of State in so doing. He certainly would incur a serious responsibility if he did. He had never followed that course himself. In the present case, he had had an interview with the learned Judge, who described the murder as the most wilful and deliberate murder he had ever tried; and since this Question had appeared on the Paper the Judge had written him to say that the murder had been deliberately conceived, and the murder of the child was accompanied by a very cruel and brutal attempt on the life of the mother, that he had never recommended him to mercy in any form or shape, and that the sentence of death was most properly carried into effect.

Mr. P. A. Taylor

NAVY—NAVAL OFFICERS AND THE PRESS.—QUESTION.

MR. E. J. REED asked the First Lord of the Admiralty, Whether his attention has been called to a pamphlet dated March 21st 1876, which, while marked "Confidential and for Private Circulation only," has been sent out by Admiral George Elliot, the present Commander in Chief at Portsmouth, in which pamphlet want of ordinary foresight and common prudence are imputed to the Navy Department at Whitehall, and the designs of Her Majesty's ships "Inflexible" and "Temeraire" are found fault with; whether there is not a standing regulation in force in the Royal Navy prohibiting Naval Officers on full pay from printing and circulating controversial statements upon the proceedings of the Admiralty and of other officers; and, whether this regulation, if it exists, is not equally applicable to Admirals and to officers of lower rank?

MR. HUNT: The only regulation bearing upon the subject is as follows:—

"Every person belonging to the Fleet is forbidden to write for any newspaper on subjects connected with the Naval Service, or to publish, or cause to be published, directly or indirectly, in a newspaper or other periodical, any matter or thing relating to the public service."

This regulation is binding on officers of all ranks when on full pay. The pamphlet referred to by the hon. Member does not come within the regulation.

INDIA — DUTIES ON MANUFACTURES. QUESTION.

GENERAL SIR GEORGE BALFOUR asked Mr. Chancellor of the Exchequer, If he will cause to be laid before the House, Statements of all Duties levied in the United Kingdom on the produce and manufactures of India, and also of the Duties levied in India on the produce and manufactures of the United Kingdom and Colonies, with a view to negotiations being entered into between the Governments of the United Kingdom, of the Colonies, and of India for establishing a thoroughly reciprocal free trade between the dominions of the Sovereign?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, there would not be the slightest objection to lay before the House a statement of the character

asked for by the hon. and gallant Member, if he would move for a Return; but he must demur to the latter part of the Question, which, indeed, he thought would be hardly right to put in the form of a Question, as to the policy which was to be founded on those Returns, and he must guard the Government against the adoption of what was implied in the Question.

TRIAL OF ELECTION PETITIONS— LEGISLATION.—QUESTION.

MR. BUTT: On a former occasion I asked the right hon. Gentleman whether, in renewing the Bill for Parliamentary Petitions, he would not introduce it in such a form as to give the House an opportunity of discussing the details of the measure, and the right hon. Gentleman said that he intended to bring in the Bill in such a form as to give the House an opportunity of making any amendment it thought fit. I now beg to ask the Secretary of State for the Home Department, At what time he intends to introduce his promised Bill to provide for the trial of Election Petitions upon the expiration of the existing law?

MR. ASSHETON CROSS: In reply to the hon. and learned Gentleman, I beg to say I will bring in the Bill at an early day.

NAVY—OFFICERS HOLDING CIVIL APPOINTMENTS.—QUESTION.

MR. STACPOOLE asked Mr. Attorney General, Whether, as the Law Officers of the Crown (Lord Coleridge and Sir G. Jessel) under the late Government, gave it as their opinion by letter to the Treasury, dated 24th June 1872, that retired pay could not be withheld from Naval Officers holding civil appointments, and as the Admiralty have by letter of the 15th February 1873 unreservedly authorized the Accountant General of the Navy to take the necessary steps for the payment of the same to all Naval and Marine Officers holding civil appointments, it is legal for the Admiralty to withhold payment of retired pay to Officers holding civil appointments when no special agreement exists?

THE ATTORNEY GENERAL, in reply, said, that the hon. Gentleman asked his Question upon the assumption that a certain opinion had been given

and a certain letter had been written. He had not seen either opinion or letter; but he learnt that the hon. Gentleman not long ago moved for them, and that his Motion was not acceded to. As he had not had the facts before him he was unable to say whether the course adopted by the Government was legal or not; but if he had formed an opinion upon the subject he would not have been entitled to disclose it to the House.

ENDOWED SCHOOLS—ST. JOHN'S HOS- PITAL, EXETER.—QUESTION.

MR. HAYTER asked the Vice President of the Committee of Council on Education, Whether he is aware that the compromise amongst the conflicting opinions of the citizens of Exeter, embodied in the original scheme for the schools connected with St. John's Hospital, and approved by the late Endowed School Commissioners, has been broken through by the Clause in the present scheme which provides that the religious instruction in the Grammar School and St. John's Elementary School shall be in accordance with the doctrines of the Church of England?

VISCOUNT SANDON: I have great doubts whether the House will not think that this is a Question which I ought not to be called upon to answer, for the following reason:—For two months, in accordance with the Act, the schemes for the Exeter Endowed Schools lay upon the Table, and during that period of two months, which expired before Easter, it was competent for any hon. Member to move the rejection of the schemes. As a matter of fact, the hon. and learned Member for Barnstaple (Mr. Waddy) had a Motion on the Paper on three different occasions for this purpose, and on these occasions, when the subject could easily have been discussed and the decision of the House taken upon it, I, together with other hon. Members who are interested in this matter, put aside all other business engagements for the three separate nights on which successively the hon. Member put down his Motion, and waited in readiness to enter fully into the subject, being confident that we had an ample answer to the allegations which were made against the amended scheme, but on none of these occasions, as far as I could ascertain, did the hon. and learned Member for Barn-

staple appear in his place, and he certainly did not bring forward the Motion for which on these three occasions we waited. As the full legal time of two months for objections expired before Easter, and as the ample opportunities for discussing the schemes were neglected, I am sure the House will feel that it is hardly right now to open up the subject as is done in this Question. But as a matter of courtesy to the hon. and gallant Gentleman, I have no objection to inform him that I have gone carefully over the various memorials and counter memorials respecting many points in the schemes which we received from Exeter, representing, I believe, all the different opposing parties who took an interest in these matters, and I can find no trace of any allusion to a compromise having been made regarding this scheme, nor can I find that the Department had any cognizance of such a compromise as he refers to. In all cases, however, I must remind him that the Committee of Council is bound under the Act to consider upon their own merits local objections to Endowed School schemes which are brought before them at the proper time.

THE SUEZ CANAL—THE MANAGEMENT.—QUESTION.

SIR H. DRUMMOND WOLFF asked Mr. Chancellor of the Exchequer, Whether it is the intention of the Government to give to the House an opportunity of discussing the arrangements for the future management of the Suez Canal previous to the general meeting of shareholders of the Canal Company; and, if not, whether any modification of such arrangements, when once approved by the Canal Company, will not be rendered impracticable by the necessity thus forced upon Parliament of accepting or rejecting them as a whole?

THE CHANCELLOR OF THE EXCHEQUER: It does not appear to the Government that there would be any advantage, but, on the contrary, rather an inconvenience in discussing in this House the future arrangements of the Suez Canal. Whatever might be done might be open to some objection, and it would be always open to Parliament to object to any arrangement that might be entered into. It would, however, be better to wait until those arrangements had been made.

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SIR H. DRUMMOND WOLFF said, the right hon. Gentleman had not answered the latter part of his Question, whether any modification of the scheme would be practicable, or must the whole plan be accepted or rejected.

THE CHANCELLOR OF THE EXCHEQUER said, it was difficult to say, but that it would probably be necessary to accept or reject the scheme as a whole.

SIR H. DRUMMOND WOLFF said, he would repeat the Question on going into Committee of Supply.

TRADE MARK REGISTRATION ACT, 1875. QUESTION.

MR. HERMON asked Mr. Attorney General, Whether it is the intention of Government to bring in a Bill to amend or postpone the operation of the Trade Mark Act, 1875, as regards Textile Fabrics?

THE ATTORNEY GENERAL, in reply, said, it was in contemplation to bring in a Bill of the nature referred to in the question.

THE TITLE OF "EMPRESS"— THE CORPORATION OF DUBLIN.

QUESTION.

MR. T. E. SMITH asked Mr. Attorney General, Whether, in his opinion, Sir Bernard Burke was correct in advising the Corporation of Dublin that the proper style and title of Her Majesty to be used in their congratulatory Address includes the words Empress of India, as stated in the newspapers of the 2nd instant?

THE ATTORNEY GENERAL: In my opinion, there is nothing in the Royal Proclamation which would warrant the placing of the style and titles of the Crown, with the addition of "Empress of India," on an Address presented to Her Majesty by her subjects in this country.

DIPLOMATIC AND CONSULAR SERVICE —THE BRITISH VICE CONSUL AT STOCKHOLM.—QUESTION.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, Whether the Swedish Government have withdrawn the exequatur of the British Vice Consul at Stockholm; and, if so, whether he is aware of any grounds for such withdrawal; and, whe-

ther he has seen a letter published recently in a Swedish newspaper in which the British Vice Consul at Gothland attacks the British Consul at Stockholm?

MR. BOURKE: The Swedish Government have not withdrawn, but have given notice of their intention to withdraw their recognition of the British Vice Consul at Stockholm. Inquiries are being made into the circumstances which have led to this step on the part of the Swedish Government. Her Majesty's Government have abstained from making any comment on the subject pending the result of these inquiries. I had not seen the letter alluded to by the hon. Baronet before he was good enough to send it to me; but I may state that owing to circumstances which have lately occurred the Vice Consul's letter of appointment has been cancelled.

NAVY—THE NEW DOCK AT DEVONPORT—QUESTION.

MR. E. J. REED asked the First Lord of the Admiralty, Whether before commencing the proposed new dock at Devonport, which is to cost £135,000, of which it is proposed to spend £15,000 during the present year, he will afford Members of the House some opportunity of seeing the dimensions and plans of the new dock, by laying plans upon the Table of the House, or otherwise?

MR. HUNT: I have ordered a model of the new dock at Devonport to be placed in a room adjoining the Library, and I believe it is there at this moment.

MERCANTILE MARINE—THE "LOCKESLEY HALL."—QUESTION.

MR. MUNTZ asked the Secretary of State for the Home Department, Whether his attention has been called to a decision of Mr. Paget, in the Thames Police Court, on Friday last, in reference to the mutinous conduct of a sailor in the ship "Lockesley Hall," for which the sailor was sentenced to two days' imprisonment and the captain to twenty-one days' imprisonment, the punishment of the latter being for putting the sailor in irons when at sea on his "refusing to obey orders" and "striking the mate, doing him grievous bodily harm," which was admitted; and supposing the above sentences are in accordance with Law,

what means a captain has of maintaining order and navigating his ship unless the Law be altered?

MR. ASSHETON CROSS: Since this Question was put on the Notice Paper I have been in communication with Mr. Paget. I must say there has been a mistake in one part of the Question. The striking of the mate and doing him grievous bodily harm is not admitted, nor was there any evidence brought before the magistrate in proof of that statement. Undoubtedly there was an assault in law, but it was of a trifling character, and it was committed under the provocation of an absolute, positive, and repeated refusal on the part of the man to do his work. The magistrate was influenced by the fact of the man having been put in irons 49 days, part of which time he was kept on bread and water, although he might have been released at any time if he had accepted the offer to be set free on the condition of obedience to orders. The man had irons placed on his legs as well as his hands after he escaped up the rigging, but no bodily injury was inflicted upon him. I understand that since the magistrate heard the case he has received from various quarters the strongest testimony as to the character of the captain for humanity, and I have therefore come to the conclusion that he has undergone sufficient punishment, and directed that he should be released, which has been done accordingly. As to the question of the means which the captain had to maintain order and navigate his ship unless the law were altered, I beg to refer the hon. Gentleman to my hon. and learned Friend the Attorney General.

MR. MUNTZ said, that the right hon. Gentleman had not answered the second part of the Question.

MR. ASSHETON CROSS said, it was a pure question of law as to whether there had been an excess or not, and he would rather this Question were put to his hon. and learned Friend the Attorney General than himself.

MARITIME CONTRACTS BILL.

QUESTION.

MR. J. G. HUBBARD asked Mr. Chancellor of the Exchequer, Whether he will admit into the Maritime Contracts Bill a Clause invalidating stipula-

tions introduced into Bills of lading for the purpose of exonerating the owner of the ship from liability in respect of the negligence or fault of himself, his agents, or his servants?

THE CHANCELLOR OF THE EXCHEQUER: I wish to point out that the Maritime Contracts Bill has not yet come under discussion on the second reading; and, before considering any alteration or addition to it, I should be glad to have the advantage of a full discussion in this House, and I hope my right hon. Friend will not think me guilty of discourtesy if I defer my answer till the whole subject has been submitted to the attention of the House.

INDIAN FINANCE—THE NEW LOAN.

QUESTION.

SIR GEORGE CAMPBELL asked the Under Secretary of State for India, If he will explain under what circumstances the Secretary of State for India has thought proper to borrow in this Country an amount much greater than the Budget Statement published in India showed to be necessary?

LORD GEORGE HAMILTON: In the Budget Statement published in India the loan proposed to be raised was the amount required to enable the Government to meet the expenditure of the year 1876-7, including public works extraordinary. The Secretary of State had not only to consider that expenditure, but also what was necessary to provide for the deficiency in the amount obtained here for bills on India in the last months of the year 1875-6, and any further deficiency that, with reference to the uncertain state of the exchanges and of the demand for bills, might arise in the current financial year 1876-7.

BARBADOES—THE RIOTS.—QUESTION.

SIR GEORGE CAMPBELL asked the Under Secretary of State for the Colonies, Whether his attention has been drawn to the statements regarding the state of things in Barbadoes contained in a letter published in the "Times" of the 2nd May; and, whether with reference to the late disturbances, he will lay before the House Papers showing the causes of the dissensions between the different classes of the

population in the island, as well as particulars of the disturbances?

MR. J. LOWTHER: My attention has been called to an anonymous letter in *The Times* of May 2, which contains some statements relating to the state of the island of Barbadoes. Papers which will contain all the information the hon. Gentleman desires are now in course of preparation, and will be presented without unnecessary delay.

CHINA—OUTRAGE AT HANKOW.

QUESTION.

MR. PULESTON asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to the report of an attack made by a Chinese mob near Hankow on the Reverend Griffith John, a Welsh missionary; if so, whether he can state the circumstances; and, whether any action can be taken in the premisses?

MR. BOURKE: No communication upon the subject has been received by the Foreign Office; but, in consequence of the Question which has now been put by my hon. Friend, a representation will be made to Her Majesty's Minister at Peking.

NAVY—THE ENGINEER SERVICE.

QUESTION.

MR. PULESTON asked the First Lord of the Admiralty, Whether the Report of the Commission appointed by the Admiralty to inquire into the question of Engineering the Royal Navy, and also into a scheme of promotion and retirement, has been made; if so, whether said Report can now be laid upon the Table of the House, and what action is to be taken thereon?

MR. HUNT, in reply, said, such a Report had been made by a Committee departmentally appointed by the Admiralty. That Report was under consideration, and it was impossible that any decision should be speedily come to upon it. It would be premature to lay the Report at present before the House.

UNITED STATES—THE WINSLOW EXTRADITION CASE. — QUESTIONS.

MR. GOURLEY asked Mr. Attorney General, If it be correct that the United States Government has protested against the action of the British Government

regarding the extradition of the prisoner Winslow; and, if so, whether the demands of the former Government are in harmony with or contrary to the provisions of the Treaties of 1842 and 1870 between the two Countries; and, further, what steps he intends to advise Her Majesty's Government to adopt for the purpose of upholding or altering existing Treaties?

THE ATTORNEY GENERAL, in reply, said, the Papers relating to the subject were being printed, and would be presented to Parliament as soon as the Correspondence was completed. The whole case would be found detailed in the Papers, and he trusted that, under the circumstances, the hon. Member would not press him to make any further statements.

MR. GOURLEY asked, Whether the hon. and learned Gentleman would answer the latter part of the Question?

THE ATTORNEY GENERAL: I think I ought not to answer that part of the Question.

MR. PULESTON asked the Under Secretary of State for Foreign Affairs, Whether it is true, as reported, that Winslow and other American citizens, now held under the Extradition Treaty, are to be released; and, whether he can lay upon the Table of the House the Correspondence with the Government of the United States on the subject?

MR. BOURKE, in reply, said, it would be recollected that the Home Secretary a few days ago had answered a similar Question, and the Papers upon the subject would be produced in a few days. At present he could add nothing to the statement of his right hon. Friend.

RIVERS POLLUTION—LEGISLATION.

QUESTION.

COLONEL BERESFORD asked the President of the Local Government Board, When the Report of the Commissioners to inquire into the best methods of purifying Sewage will be presented; and, if he will delay the introduction of the Rivers Pollution Bill till such Report has been made and considered by this House?

MR. SCLATER-BOTH: I think my hon. and gallant Friend should be informed that what he alludes to as a Commission is simply an inquiry by

officers of my Department, for the use of my Department, into the chief systems of sewage disposal now in operation in respect of which loans have been sanctioned. The Report is, I believe, completed; but it has not yet been placed in my hands for perusal, and until I have read it I am unable to say anything as to its publication. I do not think it will be at all necessary to delay the production of the Rivers Pollution Bill until this Report has been considered.

NATIONAL SCHOOLS—IRELAND.

QUESTION.

CAPTAIN NOLAN asked the Chief Secretary for Ireland, If the present Ministry is responsible for the division of the Irish National schools into two classes—namely, those situated in contributory and those situated in non-contributory Unions; and, whether he would object to give separate statistics of the contributory Unions from those of the non-contributory, as far as salaries and results fees are involved?

SIR MICHAEL HICKS-BEACH: I think it might be fairly argued that the Guardians who have refused to contribute towards the results' fees, earned by the National teachers are more responsible than the Government for the division of Ireland into contributory and non-contributory Unions. I have no objection whatever to afford to the hon. and gallant Member any information on this subject that is at my own disposal; but I have already repeatedly endeavoured to explain to him that the mode in which the accounts of the Commissioners of National Education are made up precludes me from giving the separate statistics as to the salaries of teachers in contributory and non-contributory Unions which he desires. But taking the whole population of Ireland as the basis of calculation, I believe that about 1s. 8½d. per head of the population is paid by way of salaries and results' fees to teachers in non-contributory Unions and 2s. 2½d. per head of the population to teachers in contributory Unions.

AGRICULTURAL CHILDREN ACT— CASE OF HENRY COLE.

QUESTION.

MR. RODWELL asked the Secretary of State for the Home Department,

Whether his attention has been drawn to the case of Henry Cole, farmer, of Oakington, Cambridgeshire, who was fined on the 8th of April, by the county justices at Cambridge, £1 and £2 12s. 2d. costs, for having employed a boy, Thomas Barker, without having procured a certificate of school attendance as required by the Agricultural Children Act. It appeared in evidence that the boy was one of eight children, and the son of a labourer working for Mr. Cole; that the boy had regularly attended school twice a day since January, and was only employed two hours before and two hours after school hours; and, whether, under these circumstances, he would recommend a mitigation or remission of the fine?

MR. ASSHETON CROSS, in reply, said, his attention had been called to the case referred to by the hon. and learned Gentleman. Mr. Cole seemed to have been anxious that the boy should attend school and to reconcile his father to the loss he would thereby sustain. Under all the circumstances he did not feel justified in interfering in the matter.

ELEMENTARY EDUCATION ACT— CARDIFF SCHOOL BOARD.

QUESTION.

MR. BIRLEY asked the Vice President of the Council, Whether it is a fact that the Cardiff School Board has presented a petition to the Education Department, praying that an order may be made authorising the School Board to take by compulsory powers two sites, one of which has been conveyed to the Ecclesiastical Commissioners for the erection of a church, and the other given by the Marquess of Bute for the erection of a children's home and hospital; and whether, if the fact be so, he has any objection to state to the House the course that will be pursued by the Education Department?

VISCOUNT SANDON, in reply, said, it was true that the Cardiff School Board had presented the Petition referred to by the hon. Gentleman. The matter was now being investigated by the Department, and as soon as he had the Report on the subject before him he would be happy to inform his hon. Friend as to the decision which had been arrived at.

Mr. Rodwell

METROPOLIS—CAB SHELTER IN PALACE YARD.—QUESTION.

MR. BENETT-STANFORD asked the First Commissioner of Works, Whether it is possible to provide some shelter (which shall not be a disfigurement) for the cabmen who stand in Palace Yard in all weathers and all hours waiting for the conveyance of Members from the House?

LORD HENRY LENNOX: I am happy to inform my hon. Friend the Member for Shaftesbury that I have accepted the liberal offer of the Cabmen's Shelter Association to place one of their "shelters" in Palace Yard. As to whether it will be a disfigurement, I can only say I cannot imagine it will contribute to the architectural features of Palace Square; but it will be only experimental, and be removed when Parliament is not sitting. I hope the experiment may prove successful, and may induce cabmen not to leave hon. Members, at all hours and in all weathers, to find their way home as best they can.

INLAND REVENUE—DUTIES ON OFFICES OF PROFIT. QUESTION.

MR. RYLANDS asked the Secretary to the Treasury, If he can state the amount of the sums annually accruing to the Revenue from the Duties of one shilling and six pence now payable on certain offices and employments of profit, and annuities, pensions, and stipends, and also from the Duties on offices and pensions now assessed by the Commissioners of Land Tax, which it is proposed, under Clause 13 of the Customs and Inland Revenue Bill, should cease and determine?

MR. W. H. SMITH, in reply, said, the amount annually accruing from the duties of 1s. 6d. now payable on certain offices of profit, &c., was £217 10s. The amount of duties on offices and pensions now assessed by the Commissioners of Land Tax was, at the last assessment, £822 11s. 11d. Since then, however, some of those offices had dropped out of assessment, having successfully proved exemption. The total amount of loss to the Revenue from both sources would be under £1,000, even if the whole amount now charged could be recovered; but the legality of the

charge in numerous instances was very doubtful.

IRISH PARLIAMENT.—QUESTION.

MR. P. J. SMYTH asked the hon. and learned Member for Limerick, Whether, in the event of his failing to obtain by ballot within the next fortnight a favourable opportunity for bringing forward the Resolution which stands in his name on the Notice Paper with reference to Home Rule, it is his intention to apply to the head of the Government to grant him a day for that purpose?

MR. BUTT: Mr. Speaker, the hon. Member can scarcely expect me to give any answer to the Question he has put to me. He asks me what I intend to do in a contingency which has not arisen, and which never may arise. Any future action I may take must depend upon circumstances which I cannot foresee; and even if I could foresee them I would be very imprudent if I made that action the subject of public discussion in the House, or committed myself to any statement in relation to it. I can only say that I have not the slightest doubt that an opportunity will be found of submitting to the House the Motion to which the hon. Member has referred. If I need advice, as to the best and most advantageous mode of bringing it forward, I will take counsel with those with whom I am in the habit of acting in this House.

PUBLIC SCHOOLS—UPPINGHAM SCHOOL.—QUESTION.

MR. GERARD NOEL asked the President of the Local Government Board, Whether his attention has been called to the migration of the school from Uppingham; and, whether he has taken any steps to induce the sanitary authorities of that town to remedy the evils which were the cause of this migration?

MR. SOLATER-BOTH: My attention has been called to the unfortunate circumstances which have led to the withdrawal of the well-known school from Uppingham to the coast, and during last winter, at the urgent request of the school authorities, I rendered them such assistance as I could in the difficult and painful position in which they were placed, without, however, presuming to express an opinion on the points in con-

troversy between themselves and the town authorities. I have now every reason to believe that the sanitary authorities are ready and willing to undertake such works of sewerage and water supply as are required to put their district into a satisfactory state, and that they have taken the necessary preliminary steps with that object.

ARMY—KNIGHTSBRIDGE BARRACKS—THE MODEL.—QUESTION.

MR. J. R. YORKE asked the Secretary of State for War, Whether he objects, now that the larger portion of the architect's elevations of Knightsbridge Barracks, as proposed to be re-erected, had been exhibited, to produce a plan of the remaining portions of the intended building, which will extend from the existing Riding School to the western extremity of the barrack site?

MR. GATHORNE HARDY, in reply, said, that the architectural plans displayed in the tea-room showed the elevations of the officers' quarters, and of the barracks which would be extended on the same elevation, and he thought if that plan were inspected it would give a sufficient idea of the whole work.

INDIAN TARIFF ACT.—QUESTION.

MR. FAWCETT asked the Under Secretary of State for India, Whether he will have any objection to give as an Unopposed Return, the substance of the telegram of September 30th from the Secretary of State to Lord Northbrook with reference to the Indian Tariff Act, with the opinions of Members of Council on that telegram?

LORD GEORGE HAMILTON: These Papers have been laid upon the Table of the other House by the Secretary of State for India, but he produced them under protest. The hon. Gentleman is, therefore, at liberty to move for the same Papers in this House; but I hope he will understand that we do not intend the publication of this confidential telegram in any way to form a precedent for the production of other Papers of a confidential character.

MR. FAWCETT gave Notice of his intention to move for the Papers in question.

ROYAL TITLES ACT (PROCLAMATION).

NOTICE OF RESOLUTION.

SIR HENRY JAMES: I beg, Sir, to give Notice that on the earliest opportunity afforded to me I purpose submitting to the House the following Resolution:—

“That, having regard to the declaration made by Her Majesty’s Ministers during the progress of the Royal Titles Act through Parliament, this House is of opinion that the Proclamation issued by virtue of that Act does not make adequate provision for restraining and preventing the use of the title of Empress in relation to the internal affairs of Her Majesty’s dominions other than India.”

I think it may be convenient that I should state that it is my intention to place this Notice formally on the Paper for to-morrow, as an Amendment on the Motion for going into Committee of Supply, in the hope that the right hon. Gentleman at the head of the Government and my noble Friend (the Marquess of Hartington) may be able to make arrangements for this Motion being brought on at the earliest convenient time.

MR. DISRAELI: There is no occasion whatever for postponing until to-morrow a settlement of the point that has been raised by the hon. and learned Gentleman. He has given Notice of what is, in my opinion, not merely a Vote of Censure upon the Government, but one which involves a want of confidence altogether. I think, therefore, it would be for the convenience of the House on both sides—with, of course, due regard to the general circumstances which attend sudden Motions of this kind—that we should at once fix a day, and an early one, for the consideration of the Motion. I will, therefore, place this day week at the disposal of the hon. and learned Gentleman, and I trust he will be able in the meantime to consult his Friends on the subject.

MR. ONSLOW gave Notice that to-morrow evening he would ask the hon. and learned Gentleman the Member for Taunton whether it was his intention to divide the House upon the Motion of which he had given Notice? It would be in the recollection of the House that on the occasion of the third reading of the Royal Titles Bill——[“Order.”]

MR. SPEAKER: The hon. Gentleman may give Notice that he intends to

put a Question, but he cannot state his reasons for putting that Question.

PRIVY COUNCIL (OATHS TAKEN BY MEMBERS, &c.)—MR. LOWE’S SPEECH AT RETFORD.

PERSONAL STATEMENT.

MR. LOWE: May I ask the permission of the House to make a short personal statement? I was on Tuesday evening precluded by the strict Rules of the House from saying anything with respect to the communication from Her Majesty which was then made to the House. At the same time, I feel little doubt that, had I asked the House for their indulgence, it would have been granted to me. I thought on the whole, being entirely unprepared for any such statement, that it would be more respectful to Her Majesty, and that I should be more likely to conduct myself with due propriety in the matter, if I took 48 hours to consider in what manner I should deal with so very new and unexpected an event. I have employed that time in consideration, and I humbly request the House to have the kindness to listen to me for a moment while I tell them the little that I have to say upon the subject. The statement I made at Retford—and which has been made the subject of Her Majesty’s communication—I believed to be true at the time I made it; but, although I believed it to be true, I must frankly acknowledge that I ought not to have made the statement. I acknowledge that it was wrong to have made it; and it was wrong, because no one has a right—and no one, looking at the matter calmly and dispassionately, feels this more strongly than I do—to drag the name of the Sovereign, even indirectly, into our disputes in this House. I sincerely regret that I did not remember the fact that in the whole of the Queen’s dominions Her Majesty is, by reason of Her Sovereign dignity, the only person upon whom is imposed the disability of not being able to say anything in personal defence. That alone, if there was no other reason, ought to have closed my mouth on the subject. I hope that the House will consider that my acknowledgment on this subject is full and ample. But, Sir, that is not all. After the communication which Her Majesty has been pleased to make I cannot doubt

for a moment that I was entirely mistaken in what I asserted; and nothing remains for me except to express my most sincere and extreme regret, as one who is wholly and heartily a dutiful and loyal subject of Her Majesty, that by my fault—a fault that I admit—and by my words Her Majesty should have been put to what she must, I have no doubt, felt to be the disagreeable necessity of making any communication on such a subject to the House—a necessity that ought never to have been imposed upon her. I most sincerely regret that I was the means of fixing this necessity upon Her Majesty. I cannot doubt that I was entirely mistaken. I retract everything that I said, and, if such a thing be proper from a subject to his Sovereign, I humbly offer my most sincere apologies to Her Majesty for the error that I have committed.

MR. CHARLES LEWIS said, it would ill become him to say more than that he was exceedingly delighted to hear the statement that had just been made. His only object in writing to the right hon. Gentleman previously to Tuesday last was to prevent the necessity of bringing the matter before the House.

MERCHANT SHIPPING BILL—[BILL 49.]

(Sir Charles Adderley, Mr. Edward Stanhope.)

COMMITTEE. [Progress 1st May.]

Bill considered in Committee.

(In the Committee.)

New Clause.

Foreign Ships, Overloading.

(Application to foreign ships of provisions as to detention.)

“Where a foreign ship has taken on board all or any part of her cargo at a port in the United Kingdom, and is whilst at that port unsafe by reason of overloading, the provisions of this Act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications:

- (1.) Sub-sections (4), (5), (6), and (7), of section five of this Act shall not apply;
- (2.) A copy of order for the provisional detention of the ship shall be forthwith served on the consular officer for the State to which the ship belongs at or nearest to the place where the ship is detained;
- (3.) If the owner or master of the ship is dissatisfied with the order for provisional detention the consular officer may, on his request and at any time within twenty-four hours after the service of the order

on the master, appoint some competent person to survey the ship; and if on survey that person decides that the ship ought to be released, she shall be released accordingly.”—(Sir Charles Adderley.)

—brought up, and read the first and second time.

Amendment proposed, in line 1, after the word “ship,” to insert the words “except ships belonging to such states as may from time to time signify their objection to come under this law.”—(Mr. Wilson.)

Question proposed, “That those words be there inserted.”

Amendment *negatived*.

MR. T. E. SMITH moved, in line 2, after “of,” to insert “unseaworthiness or.” He said that the Government already had the power to detain foreign ships for being overloaded, and it was most desirable that they should also have the power to detain such vessels upon the ground that they were unseaworthy.

SIR CHARLES ADDERLEY said, he could not accept the Amendment of the hon. Member. It was enough to take power to stop foreign ships for being overloaded in our ports. That was a very different thing from dealing with them on defects of hull or equipment, which might or might not constitute unseaworthiness, according to their laws. Overloading was an offence committed in our ports against our law; but to stop a foreign ship which had committed no offence against our laws for defects of hull, machinery, or boilers would be a stretch of interference which he could not advise.

MR. PLIMSOLL said, he thought the President of the Board of Trade had exercised a wise discretion in drawing a line between “unseaworthiness” and “overloading.” There were some foreign ships, however, which he wished the right hon. Gentleman could see his way to dealing with—namely, those British ships which had been transferred to foreign flags because they were rotten.

SIR CHARLES ADDERLEY said, he would be most willing to adopt any steps that would prevent the fraudulent transfers referred to by the hon. Member for Derby. He might state that Her Majesty’s Government were every

day receiving intimations from foreign Governments that they were taking measures to prevent the transfer of unseaworthy ships to their registers. An intimation to that effect had been received from Denmark yesterday.

SIR WALTER BARTELOT said, he thought it would be a serious thing if they treated English ships in one way and foreign ships in another. We must remember the very great importance of this trade, and it would indeed be a serious thing if by our legislation we injured that trade by transferring our cargoes into foreign bottoms over which we had no control.

Amendment negatived.

MR. GORST moved, in line 3, after "overloading," to insert "or improper loading," so that foreign vessels might be stopped for that as well as for overloading.

MR. WILSON said, he thought that there should at least be some explanation of what was meant by "improper loading."

LORD ESLINGTON remarked that the great principle of this Bill was to prevent unseaworthy ships from going to sea, and so to reduce the amount of risk to life and property at sea. If our regulations were successful we should insure a preference being shown for British vessels all over the world, and by placing foreign vessels in our ports under British regulations we were doing the best thing we could for them, because we should be placing them upon an equality with our own ships. He trusted that foreign shipowners would fully understand and appreciate that fact, which must remove any objection to their vessels being subjected to our regulations.

MR. E. J. REED said, that unless the Amendment were adopted the clause would greatly disappoint the expectations that had been raised with regard to it.

MR. A. G. MARTEN said, that the clause made provisions against overloading and improper loading, while some of the sub-sections dealt with the two things separately; and he thought that the provisions as to improper loading should be made plainer.

MR. SAMUDA said, that the words "improper loading" ought to be in-

serted in the clause the same as it had been in other clauses of the Bill.

MR. WATKIN WILLIAMS said, that unsafe from improper stowage was one instance of unseaworthiness. He supported the Amendment.

MR. PLIMSOLL observed that overloading was at present restricted in the Bill to timber and wood goods. There were, however, other kinds of deckloads that were very dangerous—such as steam-engines, thrashing-machines, &c. The Government had promised their attention to the subject, and in view of the instructions on the subject which the Board of Trade might issue, he thought the right hon. Gentleman the President of the Board would do well to strengthen his hands by accepting the Amendment of the hon. and learned Gentleman opposite.

SIR CHARLES ADDERLEY said, that restricted as the words of the Amendment were, he should have no objection to their being inserted in the clause.

Amendment agreed to; words inserted.

MR. GORST said, that on the parts of the 5th clause which it was intended should not apply it would be convenient to discuss the propriety of establishing two tribunals, one for English and another for foreign ships. He would therefore move an Amendment to that effect. Every civilized country made foreigners when within its jurisdiction subject to its own tribunals.

MR. RATHBONE said, it was desirable to make the restrictions as little obnoxious to foreigners as possible.

SIR CHARLES ADDERLEY said, it was impossible to deal with the two classes alike. It would be unfair to refer the case of a foreign ship to a tribunal composed of English shipowners, and some reference to the foreign Consul was essential.

MR. MAC IVER said, the sub-section under discussion ought only to apply equally to British and foreign ships where the circumstances were parallel. He hoped the Government would accept the Amendment of the hon. and learned Member for Chatham.

MR. SERJEANT SIMON said, there should be but one tribunal, and he could not see why the Board of Trade could not be trusted in the case of foreign as well as British ships. A foreign Consul,

Sir Charles Adderley

who probably would be a foreigner, would be led to decide in favour of the foreign ship because the cargo was loaded in accordance with the practice of his own country. He could not agree with the Amendment of the hon. and learned Member for Chatham; but he hoped the subject would be re-considered by the Government.

THE ATTORNEY GENERAL said, the sub-sections it was proposed to strike out were inserted in strictness for the purpose of affording means of punishing the owners for an offence, and for the purpose of giving power to the proper parties to ascertain if it was reasonable to detain the ship. It had been thought expedient in the case of foreign ships to give some person appointed by the Consul the right to ascertain whether the ship was in such a condition that she ought to be detained. It was not desirable to press too severely on foreigners.

SIR WILLIAM HARCOURT said, it was most important that the foreigner should have assurance through his Consul of receiving full protection in the tribunal. The main part of the clause was, therefore, correct.

MR. GORST said, he would withdraw the Amendment.

MR. WILSON, before the Amendment was withdrawn, would ask, supposing the German Government considered these impositions unjust and unfair and would not submit to them, and would not admit English shipping into their ports until the restrictions were withdrawn, in what position should we be placed?

Amendment, by leave, *withdrawn*.

MR. T. E. SMITH moved, in sub-section 3, line 3, to leave out "twenty-four hours," and insert "three days."

Amendment *agreed to*.

MR. T. E. SMITH said, he thought the suggestion that a Consul should appoint a competent person to survey a foreign ship detained for unseaworthiness, and that if the person so appointed, who might not be impartial, was satisfied, the ship should be allowed to leave, would hardly be a satisfactory mode of dealing with the matter. He moved in sub-section 3, line 4, to leave out from "person" to end of Clause, and insert—

"to accompany the Board of Trade surveyor to survey the ship, and if on survey they agree that the ship ought to be released she shall be released accordingly, and if they do not agree they shall appoint an assessor under the provisions of Clause 5, section 6, and the decision of the majority of them shall be final."

MR. HERSCHELL observed, that it could hardly be considered satisfactory that when the Board of Trade surveyor had detained a ship on the ground that she was unsafe, the Consul should appoint any person whom he might consider to be competent, and that, on the dictum of that person, the ship should be released. One could imagine the abuses which might result from that proposal; and he thought, therefore, the Committee would do well to accept the Amendment of the hon. Member for Tynemouth (Mr. T. E. Smith). He thought, however, that the object which the hon. Gentleman had in view might be better secured if the words "is not unsafe" were substituted for "ought to be released." In that case the Board of Trade, if satisfied that the ship was not unsafe, might order her to be released.

MR. GREGORY said, the issue was between the Amendment of the hon. Member for Tynemouth (Mr. T. E. Smith) and one which he had put on the Paper. As the clause originally stood, the question of the detention of the foreign ship was to be decided by a competent person selected by the Consul. That was placing the decision almost wholly in the Consul, as he was to judge who was a competent person. What his Amendment proposed, therefore, was that the person appointed by the Consul should be subject to the approval of the Board of Trade. If the Amendment of the hon. Member for Tynemouth were adopted, it would require a little modification, because it said—

"If they do not agree, they shall appoint an assessor, and the decision of the majority of them shall be final."

The words "of them" referred grammatically to the surveyor of the Board of Trade and the person appointed by the Consul, and to speak of a majority in that case was not correct.

MR. A. PEEL said, that in their desire not to press too severely on foreigners, they must be careful that they did not give them an undue advantage over our fellow-countrymen. If the Consular surveyor and the Board of Trade surveyor

differed in their judgments, an assessor was to be called in, and a majority was to decide, so that there would be two against one, which was hardly fair to the contending parties.

THE CHANCELLOR OF THE EXCHEQUER said, the fact was that in this whole business they were proceeding in a very novel manner, and in one of a very delicate character. They had to consider two questions. The first was, whether they should give the final power of deciding that the ship should be released or not to the Consul. That was practically the proposal before the Committee. The second question was, as to whether they should adopt any system of appeal. If they decided upon adopting any system of appeal, he thought a better proposal than either of those before the Committee might be made. With regard to the proposal actually before the Committee, that a power should be given to the Consul to decide whether a ship ought or ought not to be detained, there were two reasons for introducing that power—namely, to obviate difficulties which might arise between our Government and foreign Governments in the working of the matter; and also to take out of the mouths of foreign Governments the power of charging us with unfairness to their ships. Because we should be always able to say that what we did was done not in the exclusive interests of British ships or with any sinister object, but for the purpose of enforcing a salutary rule in the case of our own as well as foreign ships. There was also another reason, which was that what we did towards foreigners we might expect foreigners would do towards us. While we felt perfect confidence in our own integrity there might be countries in which prejudice, and possibly interested motives, might prevail and operate against British ships in the ports of those countries. Therefore, in order to secure to British shipowners that protection which they might stand in need of in foreign ports, the Government thought it desirable to propose such a rule with regard to foreign ships in our ports as would enable us to claim the same protection for our own ships in foreign ports. These were the conditions which had induced the Government to make the proposal in this form, and he should have expected that shipowners

trading to foreign ports would have thought it a proposal made for their benefit. On the other hand, there was the danger that Consuls might be too anxious to further the interests of their countrymen in respect of loading, and would neglect to take cognizance of cases in which they ought to interfere. Considering, however, that the Consul had a character at stake, it was not very probable that he would neglect his duty in many cases. The hon. Member for East Sussex (Mr. Gregory) had suggested that the Consul should have the power, but should be restrained by having to nominate a competent person, approved by the Board of Trade, to accompany him in his survey; but it must be borne in mind that if they introduced that, they would introduce the interference of the Government in the matter. They would be no longer leaving it to foreign Governments to take care of their own officers, but would be introducing directly a representative of the English Government; and if there was to be reciprocity, English Consuls in foreign ports would be restrained by some official nominated by foreign Governments. Then there was the more elaborate proposal of the hon. Member for Tynemouth (Mr. T. E. Smith), the first part of which did not amount to much more than what the Government proposed to give to the British shipowner. It was proposed to give the Consul power to nominate some person to accompany the surveyor of the Board of Trade to survey a ship, and if they did not agree they might appoint an assessor. But how would it be if they should not agree as to the appointment of the assessor? He feared the proposal would be found inconvenient in practice. If they adopted the provision of appeal at all, he thought the more convenient way would be to accept the proposal already made by the Government, which provided that if the parties did not agree the matter should go to the Court of Survey, and in the case of the foreign ship, he would suggest that the second assessor might be appointed by the Consul. That would give a Court of Appeal, which would be on all fours with the proposal in regard to the British shipowner, and, at the same time, give sufficient standing to the Consul in the matter. The Government would be glad to hear what were the views of the shipowners on the

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subject, and he therefore commended it to their consideration. Meanwhile, he hoped the Committee would pass the clause in the shape in which the Government proposed it. Upon the whole, he thought it presented the greatest advantages; but if, upon consideration, it was thought more desirable that the suggestion he had shadowed forth should be adopted, it might be well for those interested to confer with the Government on the subject, and the matter might be considered on the Report.

SIR WILLIAM HARCOURT said, the matter had been very clearly put by the right hon. Gentleman; but he wished to point out that if foreign ships were to be placed on the same footing as British ships in this respect there must ultimately be a British jurisdiction, and the *ultima ratio* must rest with a British authority. This rule had already been laid down in the case of deck loading. All that would be done under the present clause would be practically to draw attention to the condition of the ship; and he hoped, therefore, that the matter would be considered by the Government before the Report.

MR. T. E. SMITH said, that he had just spoken to several shipowners in the House, and they were all of opinion that the proposition sketched out by the Chancellor of the Exchequer would be a very great improvement to the Bill. He therefore begged to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*, and added to the Bill.

CAPTAIN PIM said, he had been urged, especially by seamen in the port of London, to make provision for Divine worship on board ship, and he proposed to do so by moving, after Clause 2, to insert the following clause:—

(Observance of the Sabbath.)

"All masters or officers in command of British merchant ships shall orderly and reverently perform the public worship of Almighty God in their respective ships, and shall take care that the Lord's Day be observed according to law."

MR. MACDONALD said, he thought this was one of the most extraordinary clauses ever put upon the Notice Paper, and he moved that it be not accepted.

Suppose the master of a merchant ship were a Mohammedan or a "Jumper," was that the "orderly" form of worship which was to be conducted? He would suggest to the hon. and gallant Member to add to his proposal "that every merchant ship should have a chaplain, and that he should be paid by Honduras bonds or loans."

SIR CHARLES ADDERLEY said, that the object of this clause was a good one, but, unfortunately, it was a subject on which they could not legislate. The Government had no more right to regulate worship in a private ship than in a private house. The Queen could make such regulations or whatever she pleased in her own ships.

COLONEL BERESFORD, remarking that he objected to any Member of the House throwing ridicule upon a proposal like this, said, it was the law of the land in Sweden and Norway, where all vessels were obliged to have Divine service on Sundays; and he did not see why we should be behind Sweden and Norway in this matter.

CAPTAIN PIM observed, that the opening clause of the Naval Discipline Act began with almost the identical words which he had put into his clause, and he did not see why the regulation in the merchant service should not be the same as in Her Majesty's Navy.

Clause *negatived*.

CAPTAIN PIM next moved the following clause:—

(Foreign masters and officers.)

"All applicants for examination as masters, mates, and engineers, if of foreign birth, must produce papers of naturalization, showing that the applicant has been for the full period of three years in the exercise of the rights of British subjects before admission for examination."

SIR CHARLES ADDERLEY opposed the clause, because it put an unfair restriction on British owners, and would be a protective law in the very worst sense. He saw no reason why an owner should be prevented from employing a Norwegian or American captain if he thought proper. The restriction of ownership to British subjects was a necessary provision for the nationality and identification of the ship.

MR. PLIMSOLL remarked that as the object of the Bill was to diminish the loss of human life at sea, the Committee

would make short work of extraneous matters.

Clause *negatived*.

MR. J. COWEN moved, after Clause 5, to insert the following clause :—

(Constitution of Local Marine Boards.)

“In lieu of the constitution of Local Marine Boards, as provided by section one hundred and ten of ‘The Merchant Shipping Act, 1854,’ such Local Marine Board shall be constituted as follows (that is to say) : the mayor or provost and stipendiary magistrate or such of the mayors or provosts and stipendiary magistrates of the place, if more than one, as the Board of Trade appoints, shall be a member or members *ex officio*. The Board of Trade shall appoint two members from persons residing or having places of business at the port or within seven miles thereof, and the owners of foreign going ships and home passenger ships registered at the port shall elect two members, and masters and mates holding certificates of competency and residing at the port or within seven miles thereof shall elect two members, and able seamen residing in the port or within seven miles thereof shall elect two members ; but except as hereby altered the provisions of the Merchant Shipping Act of 1854 with respect to such elections and otherwise shall remain in force.”

The hon. Gentleman said, the seamen of this country were treated in one sense as children, and in another as criminals, and were in that way demoralized. By this clause he hoped to inaugurate a better state of things, and by recognizing seamen as fellow-citizens, to induce more friendly feeling between ship-owners and their men.

SIR CHARLES ADDERLEY said, no man spoke with more weight, and there was no Member whose opinions he was more anxious to receive on a subject like this, than those of the hon. Member for Newcastle. The object of the clause was an exceedingly good one ; but, upon consideration, he was afraid it was impossible to carry it out. Taxation and representation, he agreed, ought to go together ; but, in order to carry out the principle, there must be a positive local constituency, which did not exist in this case. Able seamen were always on the move, and mates and other officers, if fit for anything, would certainly be absent on the days of elections. The elaborate provisions in the Act of 1854 for the existing constituency show the impossibility of making a constituency of the proposed kind.

MR. RATHBONE said, he thought it would have a most beneficial effect that there should be a certain number

of persons representing the views of seamen on those Boards. The ship-owners and they would by that means be enabled to come to more satisfactory understanding of one another’s views.

SIR JOHN HAY considered that there would be in most, if not all, of the ports a sufficient number of seamen to elect officials of the Marine Board, and therefore he should support the clause.

MR. T. E. SMITH contended that the arguments showed that the Marine Boards were effete. The amount of work which they did was so small that they ought to be re-constituted. The feeling of the seamen that they had no representatives was one which was very keenly felt. He hoped the clause would be accepted by the right hon. Gentleman, subject to Amendments which might be proposed.

MR. PLIMSOLL said, he was very much struck with the statement that the proposed Marine Board was impracticable, and that the Boards, as they existed, were altogether objectionable. They seemed to be all shipowners, and nobody had confidence in them.

MR. HERMON hoped that the Government would see their way to accept the clause, which he intended to vote for in the event of a division.

SIR ANDREW LUSK said, it was very desirable to popularise the Act by giving seamen an interest in the election of Marine Boards, and he hoped that the Government would be able in some way to accede to the wishes of the Committee.

SIR CHARLES ADDERLEY said, if a more popular element could be introduced into the constituency it would be good in itself. He agreed that the principle of the clause was good, but he did not see how it could be carried into effect. If he could find any means to do so—though he would not give any pledge to the Committee—he would, on the Report, bring up a clause of the sort, and one which should be in harmony with the provisions of the Act of 1854.

MR. WILSON urged the hon. Member for Newcastle-on-Tyne (Mr. Cowen) to persist with his clause, as at present masters’ mates and seamen had no direct representation in the management of their affairs. He contended that greater powers ought to be conferred upon the

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Local Marine Boards. Their duties at present were nominal and useless.

LORD ESLINGTON said, the clause would remove a sense of injustice which existed in the minds of the seamen, and he hoped that his right hon. Friend would accept it. He approved of it in principle, and he trusted it would be adopted, especially as it was supported in all parts of the Committee.

SIR CHARLES ADDERLEY explained that if the clause were read a second time it must become part of the Bill. If it were withdrawn, he would, if possible, bring up a clause on the Report in a more perfect form. The clause, as proposed, would be wholly ineffective for its purpose, and would merely express a wish without effect.

MR. J. COWEN said, that he was not wedded to this particular clause, but another containing the same principle would be quite satisfactory to him. If seamen had a right to vote for Marine Boards, those ill-feelings which now existed would be removed.

Clause, by leave, *withdrawn*.

LORD ESLINGTON moved, in page 6, after Clause 11, to insert the following Clause :—

(Complaint of unseaworthiness to be verified by affidavit.)

“No ship shall be detained under the provisions of this Act, on the complaint of any person, other than the Board of Trade, or a detaining officer, except such complaint is in writing and specifies the nature of the alleged unseaworthiness, and is verified by the affidavit of the person preferring such complaint.”

He did so because, after mature consideration of this matter, he believed it to be necessary that some greater security should be given to the shipowner against groundless complaints of unseaworthiness.

MR. PLIMSOLL said, if it were necessary to make an affidavit the Bill would be utterly lost; and if the power of stopping rotten ships from going to sea were to be put in motion by affidavit, they might as well throw the Bill out at once.

SIR HENRY JAMES pointed out that a clause similar in principle had been discussed and objected to by the Committee. The effect of the clause would be to throw obstacles in the way of information being given, and although the Board of Trade already knew a ship

was rotten, they would have no power to stop her without an affidavit.

SIR CHARLES ADDERLEY said, that the question was discussed on the 5th clause, and he had promised then to introduce words in the Report which he thought would meet the views of his noble Friend.

MR. SHAW LEFEVRE understood that the promise made was that the owner of a ship should have information that it was intended to detain his ship, but that was different from what the noble Lord now required. The power now exercised by the Board of Trade had been possessed since 1871, and it should be shown that some practical difficulty existed before it was abrogated.

SIR ANDREW LUSK said, he did not see why shipowners should be put to inconvenience and exposed to injuries in a manner different from any other class of the community. He supported the clause because everybody knew how easily charges might be preferred against a man on hearsay evidence, and how seriously a man might be injured by such rumours. This mode, at all events, was not the present practice in England. It would be much better to have sworn information.

MR. MAC IVER thought the clause would afford what was only a reasonable and proper protection to the shipowner. He hoped it would be accepted, particularly if Clause 5, which was postponed, were allowed to become part of the Act.

THE ATTORNEY GENERAL said, from whatever source the information came the Board of Trade would act on its own risk, and if wrong would be liable to an action for compensation to the owner. A man might have good reason for suspecting the unseaworthiness of a ship, but he might be utterly unable to produce an affidavit on the subject.

SIR ANDREW LUSK said, he could not accept the hon. and learned Gentleman's opinion on that point.

MR. DAVIES supported the clause as containing, in his opinion, a proposal which was only fair and moderate. If the noble Lord went to a division upon it he should vote with him.

Clause *negatived*.

LORD ESLINGTON moved, after Clause 13, page 8, to insert the following Clause :—

(Surveyor shall not alter structure of ship without consent of owner.)

"No surveyor or inspector when inspecting or examining any vessel under the authority of any of the Merchant Shipping Acts shall, for the purposes of such inspection or examination, cut, maim, or in any way interfere with the structural condition of the ship without the permission of the owner or master in writing."

MR. T. E. SMITH was of opinion that, although the object of the noble Lord was a good one, the clause was unnecessary.

MR. NORWOOD said, that if the clause were confined to the preliminary survey it would be both reasonable and proper.

MR. MAC IVER supported the clause.

MR. E. J. REED said, the clause proposed that the officer sent on board to examine the ship should not be permitted to interfere with the hull as it stood. If such a clause were agreed to the House might as well drop the Bill.

MR. T. E. SMITH said, there must be some means of getting at the timbers, if the survey were to be worth anything.

MR. PLIMSOLL pointed out that the surveyors of the Board could only remove planks on their own responsibility, and unless they were allowed to do so there would not be sufficient check upon a rotten ship being sent to sea which had been made up to look well externally. Lloyd's surveyors always had that power, and if the surveyors of the Board had not the same power their certificates would be worthless.

LORD ESLINGTON said, he had no objection to insert the words "such preliminary examination" in the fourth line.

MR. SHAW LEFEVRE thought it dangerous to restrict the powers of the surveyor of the Board of Trade. If these powers were restricted, the Act of 1871 and the provisions of the present Bill would be nugatory. It had not been shown that any misuse had been made of their powers by the Board of Trade surveyors.

SIR CHARLES ADDERLEY said, that the clause at first was wholly untenable. It was now proposed to confine it to the preliminary examination, and he should like to say a few words on this point. The preliminary examination was instituted after complaint had been made, or when the Board of Trade had reason to think that a vessel was unseaworthy. When the surveyor was sent

to make a preliminary examination he naturally looked about for any symptoms of unsoundness, and it was just where the internal rottenness was concealed by boards that this "cutting and maiming" was absolutely necessary. Where a suspected beam was covered over by boards the surveyor probed the boards over the beams, and if there were signs of rottenness beneath cut out a larger portion in order to examine the beam more thoroughly. If they were to tell the surveyor that he must not, without the consent of the owner, cut away the boards which the owner might have placed over the unsound timbers to conceal defects, they might as well put an end at once to the inspection of the Board of Trade. It was possible that the surveyors might make occasional mistakes; but it was always at the risk of the Government, and if any damage were done compensation would always be given. Such a clause, however, would neutralise the whole effect of inspection.

SIR ANDREW LUSK said, that the responsibility of the Board of Trade meant this—that the shipowner was at liberty to go to law with the Government; and what position was that for a poor man?

Clause negatived.

MR. STEVENSON moved, in page 8, after Clause 13, to insert the following Clause:—

(Exemption of certain steamers from passenger certificates.)

"Any steam ship may carry passengers not exceeding twelve in number although she has not been surveyed by the Board of Trade as a passenger ship, and does not carry a Board of Trade certificate as provided by the Merchant Shipping Act of 1854 with respect to passenger steamers."

The provisions made for the protection of the lives of seamen were sufficient to protect the lives of the passengers.

SIR CHARLES ADDERLEY accepted the clause, which adopted an existing distinction among passenger ships called short ships, remarking that if steamers carried so few passengers they did not lose their character as cargo steamers, and were not in the eye of the law passenger ships.

Clause agreed to, and added to the Bill.

COLONEL BERESFORD moved a clause providing that certificates should

not be granted to passenger ships unless they were provided with lifeboats and deck rafts sufficient to save all on board in case of disaster or shipwreck.

New Clause—(*Colonel Beresford*,)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be now read a second time."

SIR CHARLES ADDERLEY believed that the clause would not effect the object which his hon. and gallant Friend had in view. In the great disasters which had occurred lately all the boats on board had not been used. In very rare cases had the boats been of any use. But suppose a ship wrecked in the middle of the Atlantic, with all the lifeboats and deck rafts proposed by the clause on board, and that all the passengers were lowered safely into them, what would become of them? They would simply be starved and die by inches instead of being drowned in the ship. Boats and rafts were useful to take passengers to any near shore, or ship, by relays such as there were seamen enough to manage: but more boats than there were men to manage were useless. A great number of boats and rafts would be the worst kind of deck-loading, and would impede the working and navigation of the ship. He considered that the existing law and the powers possessed by the Board of Trade were sufficient to effect the purpose in view. One Act stated a proportion of boats to tonnage very ample, if not excessive; and another Act enabled the Board of Trade to alter the scale, or to substitute rafts or life-boats.

COLONEL BERESFORD said, the right hon. Baronet had little experience at sea, or he would not have opposed the clause on such grounds. Common experience showed that there was a lamentable deficiency of life-saving appliances.

MR. PLIMSOLL agreed that in many cases—perhaps in 99 cases out of 100—boats proved useless, but rafts would not be open to the same objections, and would not be liable to be stove in as boats were in being lowered. There were rafts which could be easily stowed that were fitted up in the centre so as to carry preserved meats whereby people might be kept alive for a long time. Of

course, there was no necessity for any alteration if the argument of the right hon. Gentleman were sound, and if it were better for the passengers to be drowned at once instead of dying a lingering death in the boats.

MR. NORWOOD considered that the subject was deserving of the consideration of the right hon. Gentleman at the head of the Board of Trade. There had been many cases in which the knowledge that the boat accommodation on board a passenger ship was utterly insufficient had led to scenes which were revolting to their common humanity. The sailors, entirely regardless of the lives of the passengers, rushed frantically to the boats to save themselves. In his judgment, the proper mode of meeting the difficulty was to reduce the number of emigrants on board each vessel.

SIR CHARLES ADDERLEY remarked that if the proposal were carried into execution it would be impracticable to have on board a crew sufficiently large to man the boats, or even to lower them. Even if the passengers were got in, the only difference would be that they would be drowned in the boats, instead of being drowned in the ship.

MR. D. JENKINS was of opinion that if a couple of rafts were substituted for two of the large boats now used, the change would conduce to the saving of life in passenger steamers.

MR. MACGREGOR suggested that the clause should be amended by adding the words "deck rafts or other approved means of saving life."

MR. SHAW LEFEVRE pointed out that, as regarded passenger ships, there were already in existence very minute regulations with reference to the number of boats to be carried on board.

MR. MAC IVER opposed the proposition of the hon. and gallant Member for Southwark. Steamers were already compelled to carry more boats than could be properly stowed, and heavy boats getting adrift and damaging hatchways were a real source of danger. The same objections did not equally apply to rafts; but he (Mr. Mac Iver) had no great faith in life-saving apparatus of any kind. There were exceptions to all rules; but, upon the whole, he thought ships' boats had lost more lives than ships' boats would ever save.

MR. T. BRASSEY, while thinking that the regulations respecting boats on

emigrant ships went far enough, was of opinion that in many cases life-buoys would be an effective means of saving life. In the case of the *Northfleet* many persons would have been saved if they could have kept afloat half-an-hour. He recommended, therefore, that something should be done towards providing ships with life-buoys in larger numbers.

COLONEL BERESFORD said, he did not suggest any hard-and-fast line in reference to the proposal contained in the clause before the Committee.

Question put.

The Committee *divided*:—Ayes 46; Noes 103: Majority 57.

MR. GOSCHEN moved, after Clause 13, to insert the following Clause:—

(Colonial certificates for passenger ships.)

"Where the legislature of any British possession provides for the survey of and grant of certificates for passenger steamers, and the Board of Trade report to Her Majesty that they are satisfied that the certificates are to the like effect, and are granted after a like survey, and in such manner as to be equally efficient with the certificates granted for the same purpose in the United Kingdom under the Acts relating to Merchant Shipping, it shall be lawful for Her Majesty by Order in Council—

1. To declare that the said certificates shall be of the same force as if they had been granted under the said Acts; and
2. To declare that all or any of the provisions of the said Acts which relate to certificates granted for passenger steamers under those Acts shall, either without or with such modification as to Her Majesty may seem necessary, apply to the certificates referred to in the Order; and
3. To impose such conditions and to make such regulations with respect to the said certificates, and to the use, delivery, and cancellation thereof as to Her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach of such conditions and regulations. Upon the publication in the 'London Gazette' of any such Order in Council the provisions therein contained shall, after the date of the Order or any later date mentioned in the Order, take effect as if they had been contained in this Act. It shall be lawful for Her Majesty in Council to revoke, alter, or add to any Order made under this section."

(Clause agreed to, and added to the Bill.)

MR. T. BRASSEY, in rising to move after Clause 19, to insert the following Clause:

(Seamen's dietary.)

"Seamen employed in British ships engaged in foreign trade shall be supplied with provi-

sions according to the Second Schedule to this Act annexed. The Board of Trade may add to or vary such scale, or the substitutes mentioned in the said Schedule, from time to time, as they may think fit. The scale for the time being in force shall have effect as if it were inserted in the seaman's agreement; but nothing herein shall affect any agreement for additional provisions."

observed, that as a general desire had been expressed that all legislation relating to seamen should be postponed until the next Session, it was not his intention to press the clause on the subject of dietary of which he had given Notice. He would, therefore, take advantage of the present opportunity to make a short statement on the subject. He must, in the first place, complain of the delay in the publication of a valuable Report which the Board of Trade had lately received from Dr. Leech, who had been employed by the Government to inquire into some recent and painful cases of scurvy. Being unable to refer to the latest information which had been collected, he must avail himself of the Report, published in 1867 by Admiral Ryder, as Chairman of the Committee of the Society for Improving the Condition of Merchant Seamen. We had another important official Report, made in 1872, by the surgeon to the Seamen's Hospital at Callao. Scurvy was, and for many years past had been, practically unknown in the Royal Navy. It was a disease which could be effectually prevented, and great progress had been made in that direction under recent legislation. In the last Report from the *Dreadnought* Hospital it was stated that in 1855, 159 cases of scurvy were admitted, and that 661 were treated from 1856 to 1863 inclusive. During the past eight years only 219 cases had been admitted. He regretted to say, however, that there had been this year a serious increase in the number of cases of scurvy. He would now turn to the Report of Dr. Roe, surgeon to the British Seamen's Hospital at Callao, which had been prepared in reply to the Circular Letter of inquiry as to the condition of merchant seamen issued by the Board of Trade in 1872. No medical man had a larger personal experience than Dr. Roe, and his Report was not as favourable as the statement issued by the Committee of the *Dreadnought*. Dr. Roe reported that from 1865 to 1869, 251 cases of scurvy were admitted to the hospital at Callao from

Mr. T. Brassey

57 British vessels, 13 of these ships sending nine cases and upwards. He said that inquiries instituted into these cases established the inadequacy of the diet usually given to seamen, even where supplemented by the anti-scorbutics specified by the Act of 1857, scurvy having occurred only in the cases of the vessels in which the scale of dietary prescribed by that Act was adopted. Dr. Roe stated that scurvy was essentially starvation, the salt beef and salt pork, which constituted the chief food of the seamen, not containing the amount of nourishment, which it was supposed to contain. He specially insisted on the benefit derived from the use of preserved potatoes, a food which he said was an absolute preventive of scurvy, but which was rarely provided in sufficient quantity to merchant seamen. He (Mr. Brassey) had seen the dietary used in the vessels of Mr. Wigram, of London, and of Mr. Beazley, of Liverpool. It included a certain quantity of preserved potatoes, and he understood that no cases of scurvy occurred in their ships. He was not anxious for legislation in the details of the shipowner's business. Admiral Ryder had suggested that the Board of Trade should not allow a scale of rations to be printed, with fixed quantities; but that they should insist that in every scale of dietary headings should be inserted including those articles of food which experience had proved to be the most effective anti-scorbutics. He ventured to hope that this suggestion would be adopted, and that an intimation would be made on the part of the Board of Trade that a shipowner would be held responsible if it were proved before any future Court of Inquiry into cases of scurvy that he had failed to supply the necessary amount of preserved vegetables, in addition to the salt meat and lime-juice already insisted upon. The subject was one of great importance, and he thought it his duty to bring it under the consideration of the Committee.

SIR JOHN HAY confirmed what had fallen from the hon. Member for Hastings by citing the instance of a ship, well found and very well commanded, and engaged in the Australian trade, in which there was no such thing as preserved meat known on board nor any lime-juice served out. He was told that cases of scurvy were known to have occurred under the circumstances to which

he referred. The eating of puddings made with the fat skimmed from the water in which the salt beef was boiled was also a fruitful source of scurvy. He hoped the Government would see their way to accept some such suggestion as that offered by the hon. Member for Hastings.

MR. D. JENKINS, while ready to accept the scale of provisions proposed by the hon. Member for Hastings, thought it would be better to leave it to be dealt with by the shipowners themselves, who knew that if their crews were affected with scurvy the loss would fall upon them.

SIR CHARLES ADDERLEY said, he was glad to have heard the very important statement made by the hon. Member for Hastings, though the clause was scarcely within the scope of the Bill. He should be sorry to express any opinion on the part of the Board of Trade on the very important subject of scurvy, because it was one now under their very grave consideration, and they hoped before long to be able to make a Report upon it. He had compared some dietaries of ships, and thought most of them were even better than those proposed by the hon. Member for Hastings's second Schedule. Dietaries ought not to be matters of a rigid Act of Parliament, because they required to be different in different voyages, seasons, and seas. Those dietaries were entered in the articles of agreement which the seamen saw, and had every facility for complaining against.

MR. PLIMSOLL stated that a great deal of scurvy was caused by the use of what was called store provisions. A large quantity of meat that had been in store for seven years at Gibraltar and Malta was yearly sent home, and was sold by the dockyard authorities to parties who put it into fresh pickle and then sold it to shipowners for the victualling of their ships. He was told that when the casks of meat were opened at Deptford, the coopers were obliged to hold their noses, the meat was so offensive. He had moved for a Return of those sales, but had not as yet received it. If the provisions were not fit for human food they ought to be destroyed; but if they were fit they should be served out to the men of the Royal Navy. It seemed to him disgraceful to the Government of a country like this, that for the sake of

a few shillings it should issue meat which was unfit for human food, to spread disease and death wherever it found its way. He had instructed his agents to buy the first lots offered for sale at Plymouth and Portsmouth. He would buy them for the purpose of making a show of them, and he would send portions to every Member of Her Majesty's Government, reserving a Benjamin's portion for the Prime Minister. It was too bad that ships out for 190 days in the Pacific should be supplied with such food. He had known a ship beating for two months together off San Francisco, with her crew too weak to bring her in, and waiting for fresh hands. Twelve men died on board that ship. He should not have far to go to name her owner; but he would not go into that at that time. He thought the practice was utterly indefensible, and he hoped the Government would take effective steps to put an end to it.

SIR WILLIAM EDMONSTONE said, the hon. Member for Derby (Mr. Plimsoll) laboured under a mistake. The meat that was sold was not condemned meat. It was issued under a certain number of years' warrant, and what happened to be left after the cruise was disposed of. He traced the prevalence of scurvy on board ship in many cases not to want of fresh meat, but of greens.

DR. WARD said, that the hon. Member for Hastings (Mr. Brassey) did not want to have a scale of diet laid down by the Board of Trade, but that when a ship was leaving a British port for a long voyage the Board of Trade should see that the provisions both in kind and amount were fit for the purpose. He objected to the condemned stores of the Government being sold for human food. The prevalence of scurvy on ship board was very much owing to the large employment of Lascars and other foreign sailors, who were rather dirty in their habits and were more accustomed to a vegetable than a meat diet in their own country. Bad water, such as that taken in at Kurrachee, which was a mere puddle, was also a great cause of scurvy; but an easy remedy might be found for that in a cheap process of distillation. There was no scurvy in the Navy where the water was distilled. Potatoes were a valuable food to prevent scurvy; but preserved vegetables were

of little use, as they were as hard as a board, and required 40 hours' boiling, which they were not likely to receive from the ship's cook. Preserved vegetables were worthless rubbish. The Government would, he trusted, put an end to a state of things which was a fruitful source of disease in the merchant service.

MR. BATES said, the hon. Member for Derby (Mr. Plimsoll) had alluded to ships at San Francisco, one of which evidently belonged to him (Mr. Bates). He had owned, sailed, and managed ships since 1849; he had had 103 vessels, registered over 120,000 tons. During that time he had employed in his ships from 25,000 to 30,000 men, and until the ship alluded to by the hon. Member for Derby he had never he believed lost a man from scurvy in his life. The men on board the *Bremen*, the vessel alluded to, were not Lascars, but negroes. There was a Consular inquiry at the captain's request at San Francisco. The ship and provisions were fully examined, and the report was that the provisions were far above the average usually supplied to ships. The ship had now arrived in Liverpool. The captain maintained that not a man had died from scurvy. The report stated that three did not, and that two others died from causes which had nothing to do with scurvy, and there was a difference of opinion about the remainder—one doctor asserting that it was not scurvy and two others that it was. If the hon. Member for Hastings (Mr. Brassey) or any other hon. Gentleman could show shipowners how to prevent scurvy they would be glad to hear their plan. Since the case of the *Bremen* he had a list of 24 vessels—not his—which had arrived at San Francisco and other ports suffering from scurvy; and at the present moment 12 or 14 ships, the crews of which were so suffering, had arrived in England. He had three or four other ships thus affected, and there was to be a Board of Trade inquiry. As to two, the report showed that the provisions on board were unexceptionable. The hon. Member for Derby (Mr. Plimsoll) said that condemned stores out of the Navy were sold and put on board merchantships. He believed that nothing of the sort occurred. At all events, he could speak for himself. During the quarter of a century in which he had conducted business as a shipowner, he

Mr. Plimsoll

had never had on board of one of his vessels a cask of beef or pork condemned from the Navy or any other service, either directly or indirectly. He was quite ready to prove this before any Committee which might be appointed by the House. As to the Report which had been promised, he hoped that the Admiralty would get it out as soon as possible. Something had been said about preserved potatoes. He had had them on board his ships, and had found that the crews would not eat them; and as to preserved meats, he was inclined to think there must be something in the manner in which these meats were cured that had brought about scurvy in the Mercantile Marine. It was only within the last two or three years that these numerous cases of scurvy occurred. Then an hon. Member had spoken of "slush." He believed that to be a very fruitful source of scurvy, and in the case of the *Bremen* it was found utterly impossible to keep the black men from it. They mixed it with biscuits, and concealed it in the galley until they could get an opportunity to cook and eat it. Until a month before arriving at San Francisco the captain knew nothing about it, he then prohibited the men from using it. He had heard something said about preserved vegetables which took 40 hours to boil. They were the same as were supplied to Her Majesty's troops in the Abyssinian and Crimean Expeditions. A portion of these vegetables from one of his ships had been sent to the Board of Trade, who pronounced them to be perfectly palatable and nutritious, but requiring a good deal of water in cooking. This was the difficulty. The men liked them for a time; and he believed that, if properly cooked, as they were in the Abyssinian and Crimean Expeditions, they were to some extent preventives of scurvy. This disease, however, was not wholly dependent on diet. Filth tended greatly to scurvy, and there was sometimes the greatest difficulty in getting men to wash themselves. If in the course of these inquiries any remedy for scurvy could be suggested, shipowners would be only too delighted to adopt it. It did not pay shipowners who did not insure to the value of a shilling, as was his case in the *Bremen*, not to keep their crews in as good health as they could.

MR. PALMER regretted the personal attacks which were from time to time made in the House. By mere accident last year he heard from one of the leading shipowners and mercantile houses in London that the vessels owned by the hon. Member for Plymouth (Mr. Bates) were amongst the best found in every respect and a credit to the Mercantile Marine of the country.

THE CHANCELLOR OF THE EXCHEQUER trusted the Committee would not proceed further with this subject after the highly satisfactory and very candid statement of the hon. Member for Plymouth, and he thought his hon. Friend was quite justified in making that statement. After what had fallen from the hon. Gentleman opposite (Mr. Palmer), who was well able to speak on the subject, he hoped the Committee would bear in mind that there were two or three important clauses still to discuss.

MR. PARNELL regretted that no Member of the Government had offered any explanation as to those alleged sales of condemned provisions by the Admiralty, and their subsequent purchase as food for use on board merchant ships. The hon. Member for Plymouth (Mr. Bates), by saying that he never purchased any for his ships, thereby expressed his condemnation of them. Their description as articles whose term of guarantee had expired, would not render them any more palatable to the crews that had to eat them. If such food was not fit for consumption in the Navy, the Admiralty ought to consider that it was not fit for consumption in the merchant service or elsewhere. These provisions were often consumed by men 2,000 miles from land, and they had no opportunity of bringing the culprits—for they were nothing less—before the sanitary authority. A tradesman who sold articles unfit for the food of man was fined, and in some cases sent to prison for so doing; but he supposed a right hon. Gentleman would hardly be sent to prison for doing such an act.

THE CHAIRMAN reminded the hon. Member that his observations were hardly pertinent to the question before the Committee.

MR. PARNELL said, that with all due respect he thought they were. It could not be denied that in selling these stores the Government sold articles unfit

for human food. He certainly did expect that the President of the Board of Trade would have taken notice of the point raised by the hon. Member for Derby (Mr. Plimsoll).

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Member had spoken as if the practice of selling damaged provisions was a matter which the Government were disposed to treat lightly, but that was not the case. The First Lord of the Admiralty was not in the House, but the matter was quite as new to the Government as it was to hon. Members. It was certainly a matter for inquiry, and it would be necessary for the Government to inquire into the very serious allegations that had been made, and if there were any truth in them then the system ought to be stopped. But this clause, if passed, would have no bearing upon that, and it would be much better that they should be allowed to go on with the Bill, and attention called to this subject as a separate matter.

MR. T. BRASSEY said, that after the statement which had been made by the President of the Board of Trade, he would withdraw his proposal.

Clause, by leave, *withdrawn*.

MR. EVELYN ASHLEY moved, after Clause 25, to insert the following clause:—

(Conditional advance notes illegal.)

"Any document authorizing or promising, or purporting to authorize or promise, the future payment of money on account of a seaman's wages conditionally on his going to sea, and made before those wages have been actually earned, shall be void; no moneys paid in satisfaction or in respect of any such document shall be deducted from his wages, and no person shall have any right of action, suit, or set-off against the seaman or his assignee in respect of any moneys so paid, or purporting to have been so paid: Provided, That nothing in this section shall invalidate or affect any allotment note duly made under 'The Merchant Shipping Act, 1854.' "

The hon. Member explained that his clause would not forbid advances in any form so long as payment was immediate and not deferred. Advances might be necessary—he did not say they were not; but what he proposed was to forbid for the future the present system of advancing by advance notes, a system which had existed for only 35 years. The advance note was a conditional

promise to pay a certain sum of money to a seaman, but only on condition that he went to sea in a particular ship and at a specified time. Having this note the seaman endeavoured to cash it. A respectable tradesman would not cash it for him, and he was obliged to go to what was called a "crimp." The "crimp" eagerly took the note, and cashed it at a heavy discount. He was willing to do so because he was in a position either by himself or by the aid of his fellows to secure the performance of the condition. What the "crimp" had to do was to see the man on board the ship he had engaged to sail in, and the course generally adopted was to indulge him in drink and debauchery until the time arrived for the departure of the vessel, when it not unfrequently occurred that he was taken on board in a state of insensibility, produced by excessive or bad liquor. The consequence was that the seaman's health and vigour were impaired by this practice, which was also a fruitful source of danger to the shipowner. A great number of shipwrecks occurred during the first 24 hours of the voyage, when the navigation was dangerous and the crews unfit for duty, and many seamen were led to desert in order to "sell" the crimp whom they felt had robbed them, and could not get his money if the sailors gave the ship the slip before it left port. It was also the interest of the "crimp" to induce seamen to desert in order to supply their places; and the evidence taken by the Royal Commission went to show that the "crimp" could not exist without the mischievous system of advance notes. In Belgium, Germany, Austria, Sweden, Denmark, Norway, Russian Finland, and other countries, the advance note was unknown. One exception, however, was made in German ships trading to English ports. In those cases they gave two months' advance, the first in cash, the second in the form of an advance note only payable when the ship left England. The ostensible reason for the advance note system was to enable the seaman to provide his "kit;" but that end, in fact, was not attained, and could be attained by a different arrangement. The real reason why a certain class of shipowners clung to this system was to save them-

Mr. Parnell

selves trouble. The crimps were paid agents of the shipowners, but were paid not by the shipowner, but out of the wages of the seaman. The Royal Commission had, upon an enormous quantity of evidence, unanimously recommended the abolition of the advance note system. Her Majesty's Government, too, had shown by the clause which they had introduced into their Bill last year that they disapproved the system, and the Chancellor of the Exchequer had spoken very strongly against it. Beyond that he had the authority of the Liverpool Seamen's Protection Society, who had sent a Petition to that House, for saying that the abolition of advance notes was desirable, and would make the men more prudent and tend to prevent drunkenness; while a Committee of the Liverpool Shipowners' Association had stated that, in their opinion, advance notes given in the United Kingdom ought to be rendered illegal. He might also be allowed to quote the evidence on the subject of the Superintendent of the Glasgow Sailors' Home, who stated that after long practical experience he had come to the conclusion that the seaman would be greatly benefited if advance notes were done away with, and that he felt satisfied the inconvenience arising from their abolition would be only temporary. If his proposal were adopted, the tendency to desert, which might be mentioned as an objection to it, might be met by a simple system of registration; for he saw no reason why shipowners should not keep a register of seamen, the result of which would be that they would soon find that if they wanted advances they must be trustworthy persons. Why should there not, too, be allotment notes issued, made payable to anybody, and not merely to the relatives of the seamen? The advantage of such notes would be that, being payable on presentation to the shipowner, they might be discounted at a moderate rate. Advance notes were, in the language of Mr. O'Dowd before the Royal Commission, the friends of improvidence and the promoters of vice. He was perfectly convinced that, as the best mode of preserving life and property at sea was to secure seaworthy seamen, so the first means necessary to raise their seamen was to get them out

of the hands of the "crimp." He concluded by moving the clause.

Clause—(*Mr. Evelyn Ashley*,)—brought up, and read the first time.

Motion made, and Question proposed, "That the Clause be now read a second time."

MR. BATES: Sir, I must express my regret that the hon. Member for Poole has been induced to attempt to introduce into the Bill—the clauses of which we have been considering—my old friend of last Session, the clause abolishing advance notes. I venture to think, and I say it without meaning any offence, the hon. Gentleman knows little of the subject, or I am sure he would not attempt to take away from his friends the sailors, for whose welfare he is so solicitous—what I say and what I think I shall prove to the Committee, if not to him—is that which they cannot do without, especially in sailing ships about to make a long voyage. Now, Sir, it is nearly 44 years since I first became connected with sailors—that connection has existed up to this day—therefore I think the Committee will think I ought to know something of them and their requirements. Well, Sir, with this knowledge I do conscientiously believe that we cannot in justice to our sailors in general abolish advance notes until we have found a substitute for them. All I can say is I have given the subject my best consideration, and I confess I am unable to find a substitute that we can avail ourselves of for the present. Education may hereafter cure the evil—I sincerely trust this will be so—but what is to be the substitute for the present time, this is the question—and, as already said I am not able to come to any satisfactory conclusion, but I think I shall show the Committee good and sufficient reasons why it would be not only impolitic, but positively harsh and cruel, to pass the clause brought forward by the hon. Member for Poole. First, let me say, shipowners are prepared to admit, and do frankly admit that there are evils to some extent attending these advance notes, but, Sir, there are, I am sorry to say it, many evils in this world which we see and deplore, but which we are compelled to submit to—evils which legislation cannot put an end to—the

advance note is one of them. I could name many others, and far more serious ones, but this is not necessary for my purpose. What I have to show the Committee is that advance notes are necessary. I will endeavour to illustrate this. Does the hon. Member know there are hundreds of what are called distressed British seamen landed every year in this country. I dare say he does not really know what the term means. Well, I will inform him and those hon. Members who are not necessarily so conversant with sailors as I am, or perhaps I should say as I ought to be after my long experience. A distressed seaman is a man that perhaps from accident, folly, or disease, is rendered incapable of performing his duty on board. He is landed at a foreign port—his wages are paid up—his clothes are delivered—he is sent to the hospital. His ship sails before he is convalescent. Perhaps even then for at least some time he is unfit for any arduous duty. He applies to the authorities as a sailor in distress, and the Government or Consul (as the case may be) orders him to be taken home in any ship that may be in port as a passenger at Government expense. The ship may be three to five months coming home. During that period he is receiving no wages. As soon as the vessel arrives in dock he is landed—from that minute the remuneration to the ship for his food ceases. What is to become of him until he can get a ship? As the matter now stands, the man goes to the Sailors' Home or to his lodging-house keeper, who lodge, feed, and in most cases clothe him, knowing that at the end of a week or 10 days he will get a ship and receive the usual advance note—out of the proceeds Jack recoups his landlord, and perhaps receives a few shillings balance. I am sorry to say in many cases they make an improper use of this balance. This is the evil, but what would the evil be if there was no advance note in prospect? Perhaps for the first night he would by pledging his clothes or his sea chest, get food and lodging; but what will he do in the morning? He cannot go to sea for the day, and ask for his wages in the evening, therefore he must, however reluctantly, and degrading though it may, and would be, to him, go to the workhouse or do worse. Well, what better is he when he comes out?

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He is still penniless, therefore he becomes a burden to the ratepayers. Has the hon. Member for Poole ever thought of this, and has he ever thought what it may lead to? Why, it leads to crime. In despair the man commits some offence, in order that he may be taken before the magistrates and sent to gaol, which in the eyes of a seaman is far preferable to the workhouse. Again, will the hon. Member for Poole be kind enough to inform the Committee if he is aware that sailors in this country are as liable to be laid on their backs by illness as other men? Is he aware there are, perhaps, thousands every year discharged from our hospitals convalescent, but unable to go to sea for a week or 10 days? Is he aware these men are generally penniless? If they are not to have advances, where will they go to? The lodging-house keepers or Sailors' Homes, under such circumstances, cannot be expected to lodge, feed, and clothe them; therefore the only door open for them is the workhouse or the prison. A sailor is different from all other men, as I have already observed. He cannot go to sea for a day or a week, and return on the Saturday night for his week's wages. Has the hon. Member ever considered these points? I cannot think he has, or I am sure he, with his well-known philanthropic opinions, would never attempt to injure his sailor friends, as he would do if the clause became embodied in any Act of Parliament. Now, Sir, I will try to point out to the Committee the benefit which is derived from these advance notes by our provident sailors—and there are thousands such—who have wives and families. The provident sailor is anxious to leave those he holds most dear to him in as good a position pecuniarily as he possibly can when he leaves them for a voyage. Well, Sir, he asks for and obtains an advance note. As a provident man, perhaps he is not in want of much outfit for the voyage; he has sufficient without cashing his advance note. Well, Sir, he hands this note over to his wife or representatives. Ten days after he sails this note is presented at the shipowner's office by the wife, or one of the children, it may be by some friend. The money is paid; the wife receives it. Perhaps she has been a little extrava-

gant, if I may use the term, in placing in her husband's chest a few extra comforts, and has broken into her little store intended for the rent, &c. The proceeds of the advance note is her main stay. The landlord calls for his weekly rent; it is ready, and he receives his due. Or, perhaps, Sir, the husband goes to sea, leaving sickness in his family. It may be, perhaps, his wife is expecting an addition. The proceeds of the advance note is there. I may be told this is all true, but the allotment note which a prudent and good husband almost invariably leaves for the benefit of his wife and family provides for these calls. But this is not so; an allotment note does not come due until a month or two months after the husband has left his family. The rent is due weekly. Sickness in his family may appear the day after he has left. The expected addition cannot be deferred because the allotment note is not due. The proceeds of the advance note supplies the want—it is there—and if any of these events should occur before the 10 days have elapsed, the date of the advance note becoming due, why, Sir, the wife or child brings it to the office, states her case, and the note in every case I ever heard of is paid before it is due. The same remarks as to the value of the advance note apply equally to the provident single man; although he has not a wife and children, he may have an aged father and mother, to whose support in their declining years he contributes as a good and dutiful son should do. Perhaps he has sisters needing help; and although the hon. Member for Poole may think these are extreme cases, yet I tell him that they are of daily occurrence almost, for there is as much genuine kindness in our sailors as in any other class of men in this country. Jack may be foolish and improvident, but he is generous to a degree. Sir, these are some of the benefits derived from advance notes. Are they to be done away with by Act of Parliament? I trust not. Again, what do we find to be the system in regard to advance notes followed in Her Majesty's Navy? Why, Sir, they give, when required, two months' advance. True, they do not give a note in the same way we do; and why? Simply because they can do without this, and do so with safety in their own

way—namely, by allowing Jack to have from the Government stores clothing to the extent of two months' pay beforehand, if he requires it; and when once on board his ship with his kit they can keep him there, insamuch as they have sentries at each gangway with fixed bayonets to prevent Jack going ashore again. Now, I need not remind hon. Members that we in the Merchant Navy have no such things as sentries pacing the deck to prevent Jack from going on shore—this would, no doubt, be considered far worse than the so-called arrest without warrant. If we had, we too could give advances in the same manner; but as we have not, to follow the plan of the Merchant Navy would not only lead, perhaps, to the loss of the kit, but to the man also. I hold in my hand letters from leading shipowners of London, Liverpool, and Scotland, representing 500,000 tons of shipping, from underwriters at Lloyd's, all adverse to the abolition of advance notes. Has the hon. Member for Poole any idea what amount of money this tonnage represents?—from £6,000,000 to £8,000,000 sterling. And this is only a small portion of the shipping that will be affected if this clause is placed in the Bill. Does the hon. Member know that in 1865 or 1866 the shipowners and merchants of New York formed a combination to put an end to advance notes there, and does he know the result? If not, I will enlighten him. The sailors also combined to resist the merchants and shipowners in their endeavours, and after their docks got full of laden ships they could not get them to sea for want of men. The result was failure, and they were ignominiously beaten. Does the hon. Member for Poole want to fill our docks with laden ships in the same manner, and has he ever calculated the cost of the attempt? It would amount to hundreds of thousands. Is he prepared to pay the cost? These are all points that require very grave consideration. It may be asked, why should underwriters at Lloyd's object to the abolition of advance notes? For the best of all reasons—self-interest. If the British shipowner is prohibited from giving an advance to his sailors, they know a foreigner can and does do so; and the consequence will be that our best men will go in the foreign ships, and leave

the English ships which they insure to take what men they can get, hence their risk will be greater. They know that Jack will go where he gets the advance, to him it means little whether the ship is English or American, but to them it means much—hence the objection. Let me point out another difficulty. We have heard a great deal of late of training ships for our boys; but if the advance note is done away with, for what purpose are we training up our youths? Why, to man foreign ships. Foreigners, as I have already said, do and continue to give advance notes; therefore our boys, when they become men, will go into the ship where they can get advance notes. Is not this plain? We shall have all the expense and foreigners will have all the benefit. The more I consider this matter the more am I convinced a more suicidal course could not be entertained. But what is the opinion of the captain of the largest ship in the world—Captain Halpin, of the *Great Eastern* steamship—now, I believe, one of the assessors to the Admiralty Board? Captain Halpin says that the abolition of advance notes would place shipmasters in very great difficulties, if it would not entirely stop the engagement of crews; that it would be impossible to obtain a crew for a long voyage ship without making advances; that he had tried for years, under the most favourable circumstances, but without success, to induce men to do without advances; that he had offered 5*s.* above the current rate of wages, but that not a single man nor a petty officer would consent to an engagement without advance, but willingly received reduced pay with advance; and that for 10 years he had tried unsuccessfully in his own ship to induce men to do without advances. We have heard much of the Royal Commission on this point. I have an analytical index here; what do we find? Why, Sir, they only say they are an evil, as we admit, but more than two-thirds of these witnesses say they cannot be dispensed with. I may be told that a Petition has been presented to the President of the Board of Trade by the Liverpool Seamen's Protection Society, which society numbers 3,000 sailors, in favour of the abolition of these advance notes. Well, Sir, what is this wonderful document?—

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a document prepared by the treasurer, and I suppose signed by him as the representative of these 3,000 men. A copy of that document has been sent to me along with a letter from an official, in which the following statement is made:—

“I have seen ———, who I found had attended the meeting of the Protective Society, when their long Petition was agreed upon; and, at the most, he tells me, there were only 150 present, and of these many would be, I know, men who have not been to sea for many years, so that these 3,000 men were very indifferently represented, and this after advertising and beating up. It should be impressed upon Sir Charles that the Society consists mainly of New York steamer men, absent only at most six weeks at a time.”

Now, Sir, I say also these men do not require advance notes, perhaps; yet, many of them take them, notwithstanding. But because men who merely cross the Atlantic and back say they can do without advance notes during their four or six weeks' absence is no criterion for men who are absent from home 12 months. I have presented Petitions from real sailors in London and Liverpool, signed by thousands—not by their secretary or treasurer—but by themselves individually, many stating where they belong to, what was their last ship, and they pray they may not be ruined by taking from them the advance note. It may be said—Why have we not seen more Petitions? Why, Sir, for this simple reason. Seamen were satisfied from what took place last Session that they were safe at all events with the Government. Now, I would like to ask the hon. Member for Poole if he has not received a protest against his clause from the man in all England who is perhaps best able to form an opinion on the subject—or perhaps I should say seen the letter, which I believe was addressed to his Friend the hon. Member for Liverpool, who sits on the same side as himself. I would also ask my right hon. Friend the President of the Board of Trade, if he did not receive a similar protest from the same party. These advance notes are largely discounted by the Sailors' Home authorities, and with very great benefit to the sailors. In the last yearly report of the committee of the Sailors' Home in Liverpool I find nearly 2,000 of these notes were cashed there; and be-

fore the proceeds were paid over, care was taken to see the men had a sufficient kit for the voyage. But, Sir, with the permission of the Committee I would allude to a letter I have received from the superintendent of the Sailors' Home in Liverpool on this subject. I think if anything further is needed to prove what my right hon. Friends the President of the Board of Trade and the Chancellor of the Exchequer say, that the abolition of the advance note would not only prove a most serious wrong to our sailors, but in all likelihood a most disastrous measure to the Mercantile Marine of this country, and to our sailing shipowners in particular, this letter will supply the want. I have also another letter from South Wales, written by a gentleman I never heard of until I received it, who has been at sea all his life, and therefore is also a practical man, and whose opinion I think the Committee will say is of some value. It is rather a formidable-looking document, but I think it speaks to the point. Again, the hon. Member for Poole says—"Why not give Jack the cash and not a piece of paper?" I venture to assert that if nothing else could show his ignorance of this subject, that this statement would do so; for I am sure that any man who knows anything of a sailor will say that this would be ten thousand times worse in the result than the advance note; for if the improvident sailor—and this proposal of the hon. Member is only applicable to such—received his advance of one or two months in cash, every farthing of it might go in folly or vice of some kind or other; whereas, if it is in paper, and which is only to be of value if he joins his ship, he must, in general, take the note to his lodging housekeeper, or the Sailors' Home to be discounted, with the proceeds he pays his debts, buys some clothing suitable for the voyage he is about to go, which is placed on board the ship as a guarantee that he is going the voyage, and the balance he receives in cash. This, as I have already said, is the evil; but, instead of all his advance being squandered if he received it in cash, when a note is given only a portion of it goes in folly, and this, too, but a very small portion. Now I ask, could there be any proposal more sure to defeat the purpose the hon. Member has in view than this? We have heard also of the exorbitant rates these lodging-house-

keepers, or crimps, as they have been styled, charge for discounting these notes. I venture to say that, whatever their charges are, they are as nothing compared to the rates charged to many of our young men of the present day by the money-lenders of London, Oxford, and Cambridge. Let the hon. Member for Poole turn his attention to that evil, which is ten times greater than the one he charges these crimps—as he styles them—with, and he would do a great service not only to these young men, but to their parents or guardians also, and expose no one but these respectable money-lenders or crimps of the worst kind. A letter has been forwarded to me for my inspection from the superintendent of a Sailors' Home at one of our large coal outports. It was addressed to a friend of his and treats upon private matters generally, but in the postscript these significant words are added—

"25th March, 1876.

"We shall have to shut up our Home if advances in some shape or the other are not given. We shipped 22,000 men here last year in British ships, and I am quite certain 18,000 of these men could not have done without advance."

In this port they have no import trade, consequently men are all ordered to that port from other places. These are facts, and I think they speak with no uncertain sound. Now, Sir, I think I have shown to the Committee that we cannot do without advance notes, especially in our sailing ships. The shipowner would be a gainer if we could: Thus, say, a shipowner has 20 ships—I have between 30 and 40, I do not know the exact number—in each of these ships he, perhaps, has advanced to the crew £100—equal to £2,000—which at 5 per cent would be in interest alone for the 12 months' voyage £100. Now, if there was no advance notes the owner of these ships would gain in interest alone £100 per annum; no mean sum in these bad times for shipowners. I might object to this clause on the ground of right of contract between man and man, but I trust the Committee will say it is unnecessary, and that I have already said sufficient to convince hon. Members that, however objectionable advance notes may be in the hands of some of our sailors, that it is impossible they can, as a body, do without them, until something is found as a substitute.

MR. SERJEANT SIMON asked the Chairman whether the clause now proposed was within the scope of a Bill which dealt exclusively with the safety of life at sea and kindred subjects; whereas the system of advance notes was a matter of contract between owner and seamen?

THE CHAIRMAN said, the hon. and learned Member had accurately stated the objects of the Bill; but a measure similar in its character to this was introduced last year, and included a proposal respecting advance notes, which was held—and, he thought, rightly held—to be embraced among the objects of the Bill. The present Bill had no Preamble. Its scope could, therefore, only be gathered from its general provisions; and it was described in one of the early clauses as a Bill which might be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same. He could not, therefore, say that the clause now proposed was out of Order.

MR. MACDONALD said, he had ascertained that there had recently been a great strike of sailors in New York against the advance note system. The House would recollect the operation of the "truck system" in this country, and the evils which it produced. But it was done away with, and its abolition had the effect in the mining districts of rendering the working classes more independent and more moral. The hon. Member for Plymouth (Mr. Bates) read a letter, which he cited as an authority, but he did not give the name of the writer.

MR. BATES gave the name; he was 70 years of age, and a most respectable man.

MR. MACDONALD: However that might be, he might remind the House that a provision of this kind was in the Government Bill last year, and he hoped the hon. Member for Poole (Mr. Evelyn Ashley) would adhere to his Amendment, and that the right hon. Gentleman the President of the Board of Trade would go into the Lobby with them now in support of the Amendment. He had numerous letters representing that the advance note system was a great evil, and that it ought to be done away with, and that was the opinion of sailors' wives.

MR. SAMUDA said, a very large number of shipowners had come to the

conclusion last year that it was absolutely impossible to do away with the advance note. He had made inquiries on the subject, and he was convinced that was the general feeling among owners of ships. But, at the same time, he knew that there was a strong feeling in the House that if these advance notes were made legal—which they were not now—and the sailor could enforce payment direct from the owner, instead of being obliged to go to the crimps to get them cashed, the advances would be much less objectionable. He thought that if a note was given payable seven days after the ship had left, it would be an improvement; but his own experience led him to the conclusion that they ought not to interfere with the freedom of contract in this case any more than in others. He believed that the Committee would commit a material mistake if they passed this clause, which would certainly not be of advantage to the seaman.

LORD ESLINGTON stated that a Central Committee of Shipowners of England had been sitting in London for many weeks, representing all the ports of the United Kingdom, and they had passed a resolution to the effect that their Parliamentary Committee be authorized to state that they would make no opposition to the abolition of advance notes. He added that he was a Member of the Commission which had condemned those notes, being thoroughly convinced that they had a demoralizing tendency. He was still of that opinion, and he further believed them to be a premium on desertion. He could not vote for the retention of a system which he firmly believed was demoralizing.

MR. MACGREGOR said, he hoped they might be able to come to a compromise on this matter. He suggested that the advance note should be given for one month, instead of seven days, or any less time. The sailor would be able to get the note cashed and his immediate wants supplied, though the note would not be paid until he had served a month on board, and thus earned his wages. The danger of desertion would thus be avoided. That was a general impression among all the shipowners with whom he had had communication on the subject, and if the hon. Member for Poole (Mr. Evelyn Ashley) would introduce words into his clause with that object, he should be glad to give it his support.

MR. RATHBONE said, the case of the New York shipowners was strong against the system of advance notes. They felt the evil so strongly that they preferred to keep their ships in port for 10 days rather than give their men those notes until their combination was broken down by the combination of the crimps. The Amendment as it stood would not work; but he was inclined to try the experiment of doing away with advance notes in England, though it would be detrimental to British shipping if advance notes were not allowed for British ships in places where the law allowed them for other ships. He thought the best course was to follow the recommendations of the Royal Commission.

MR. BATES said, he had ascertained by inquiry at the Sailors' Homes that some of the largest amount of advance notes given in Liverpool were given by houses with whom the hon. Member for Liverpool (Mr. Rathbone) was connected.

MR. A. PEEL said, he hoped his hon. Friend would press his clause to a division. Why was the seaman so different from other men, from the men in Her Majesty's Navy for instance? The whole system in the Navy from 1854 to 1872 had been to limit the advance (not the advance note) system, and to increase the allotment system as far as possible. What did Mr. Lindsay, as high an authority as any that had been referred to, say on this subject in his valuable work? He said—

“From my own experience, I have no hesitation in stating that the system of advance notes tends to lower the character of the seaman, promotes intemperance and insubordination, and has been the indirect means of far more disasters at sea than either overloading or unseaworthy vessels.”

MR. COLE, as a practical man, opposed the clause of the hon. Member for Poole. He thought that it was clear that an advance of some kind was necessary; and it surely ought not to be made without the shipowner having some security for his advance. If allotment notes were substituted they would be discounted as well as advance notes.

LORD ELCHO observed that the Bill was intended for the protection of the lives of our sailors, but the proposal of the hon. Member for Poole imported into it a matter foreign to its object. The great danger which they ran in

these days was that, through the action of a mistaken philanthropy and a spurious liberalism, the liberties of free-born Englishmen would be gradually frittered away. He regretted that he should be obliged to vote against the clause.

MR. EVELYN ASHLEY, in reply, expressed his willingness to limit the application of his clause to Great Britain. He would remind his noble Friend, the apostle of freedom of contract, that the seaman in the matter of his wages was in different ways now bound down by the law, and that the system which he sought to abolish by that clause fettered both sailor and shipowner and was opposed to freedom of contract. The speech of the hon. Member for Plymouth (Mr. Bates) that night was the same in fact which he delivered last year, when the question before the House was the forbidding of all advances; but as that was not his proposal it came 12 months too late. Of course, some inconveniences might result from the change which he proposed; but they would be all got over in a few months, and the permanent advantages which would follow from it would far outweigh any of its temporary disadvantages. He must, therefore, go to a division.

MR. DISRAELI said, that that question had been very deeply considered by the Government in consequence of what occurred last year, and naturally also, of course, on account of its merits, and certainly the opinion at which they had arrived was that that proposal was not within the scope of the Bill. It was not part of that question with which it was their pretension to deal; and he did not think that was a happy opportunity for treating it, although no doubt it was worthy of the consideration of Parliament. With regard to the suggestion for limiting the clause to this country, as far as he could form an opinion at that moment, he thought that might lead to great inconvenience. Instead of remedying the evils which all acknowledged, it might even aggravate some of them and produce injurious consequences. On the whole, then, it would not be the wisest course to include the clause of the hon. Member for Poole in the present Bill; but in that measure they should adhere to its avowed object, which was one that they all wished to see carried out.

Question put.

The Committee *divided*:—Ayes 143; Noes 202: Majority 59.

MR. NORWOOD moved, in page 13, to leave out Clause 25, and insert the following clause:—

(Conditions of contract of service between seamen and masters of ships.)

“Every contract of service, express or implied, between a seaman and the master or owner of a ship shall imply, notwithstanding any agreement to the contrary, an obligation on the part of the seaman that he is, at the commencement of the voyage, competent and physically fit to perform the duties of the rating for which he contracts to serve, and that he will use all reasonable means to insure his fitness and competency during the voyage; and any breach of such warranty shall operate to the forfeiture of his wages during the time he is so rendered incapable of performing such duties.”

SIR CHARLES ADDERLEY said, that this was drawing a corollary to the 4th clause, and was fanciful, and inapplicable. The owners warranty of seaworthiness to the seaman, and the seaman's warranty of his own healthiness to the owner, were not parallel terms. The proposal also was too stringent, as it called upon the seaman to guarantee not only that he was in good health at the time of the engagement, but also that he would keep so during the voyage or forfeit his wages. He might lose his health from the shipowner's own default.

MR. NORWOOD said, if the clause were rejected the Bill would be a most one-sided one, for, while penalties and restrictions were heaped upon the shipowner, nothing was done to insure the seaworthiness of the seaman.

Clause *negatived*.

MR. MORGAN LLOYD moved that the Chairman report Progress, because the next clause—the power of arrest without a warrant—would give rise to a long discussion.

Motion made, and Question proposed, “That the Chairman do report Progress, and ask leave to sit again.”—(*Mr. Morgan Lloyd.*)

THE CHANCELLOR OF THE EXCHEQUER hoped that the Committee would finish the Bill.

The Voices were taken, and Mr. Phipps, Member for Northampton, was appointed one of the Tellers for the

Noes; but no Member appearing to be a second Teller for the Noes, the Chairman declared the Ayes had it.

Committee report Progress; to sit again upon *Monday* next.

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Friday, 5th May, 1876.

MINUTES.]—PUBLIC BILLS—*First Reading*—Salmon Fisheries* (72); Trade Union Act (1871) Amendment* (73).

Second Reading—Gas and Water Orders Confirmation (Chapel-en-le-Frith, &c.)* (59); Tramways Orders Confirmation (Bristol, &c.)* (60); Tramways Order Confirmation (Wantage)* (61).

Committee—Supreme Court of Judicature (Ireland)* (31-74).

Committee—Report—Local Government Provisional Orders* (54).

Third Reading:—University of Oxford (68), and passed.

SUPREME COURT OF JUDICATURE (IRELAND) BILL—(No. 31.)

(*The Lord Chancellor.*)

COMMITTEE.

House in Committee (according to Order.)

On the Motion of the LORD CHANCELLOR and the Lord O'HAGAN, many verbal Amendments made; the Report thereof to be received on *Monday* next; and Bill to be *printed*, as amended. (No. 74.)

PRIMARY EDUCATION.

MOTION FOR RETURNS. QUESTION.

EARL DE LA WARR asked, If it is the intention of Her Majesty's Government to bring the subject of Primary Education shortly under the consideration of Parliament; also if there is any objection to stating on what subjects legislation will be proposed, especially with regard to School Boards, Compulsory Education, and the Agricultural Children Act; and to move for, Return

of Civil Parishes (exclusive of London and municipal boroughs) under School Boards on the 1st of January, 1876, specifying those where compulsory education has been enforced. The noble Earl said, that at the commencement of the Session it was generally understood that it was the intention of Her Majesty's Government to bring the subject of Education under the notice of Parliament. Nearly three months had elapsed since the Government made that announcement. Now, he confessed he could not see why a measure on the subject of Primary Education should not originate in their Lordships' House—especially as the noble Duke the President of the Council was also the head of the Education Department, and no one could more appropriately take charge of such a Bill than the President of the Council. Looking at the amount of business which they got through in that House in the early part of the Session, he thought it would be an advantage if more measures of importance were introduced before a period of the Session arrived when they could not be fairly discussed. It was not for him to dictate to the older Members of the House what course should be pursued; but he certainly thought that Bills should be brought before their Lordships when there was time to consider their provisions. He now desired to ask the Government to give their Lordships some information as to the measure dealing with Primary Education which they proposed to bring before Parliament; and he hoped that it would not be considered that he was putting any undue pressure upon the Government in asking that question. He wanted some information with reference to School Boards; and he asked the question as to them first and foremost because they had excited much interest throughout the country. School Boards were expensive, there had been a large and progressive increase in the rates levied by them, and those rates had fallen upon a class of ratepayers who could ill afford to bear them. Then came a most important question which was connected with School Boards, and he wished to have some information from the Government in regard to it. In School Boards education must assume a secular form, and religious education was almost necessarily excluded. In some few of these

schools religion was distinctly excluded, and it was hardly to be supposed that in any of them religion would be taught except in a negative form. In that view of the matter, he thought it would not be incorrect to state that the education of the country was fast becoming secular only. But that was not the real wish or feeling of the country generally. Whatever difference of opinion there might be on religious subjects, he believed that the question of religious education was one on which large numbers of persons were united. Whether those persons were members of the Church of England, or of the Church of Rome, or were Protestant Dissenters, they were almost all in favour of religious education. He did not mean to say that there were not different views as to what amount of religious education ought to be given; but most persons were in favour of some religious education being afforded. This was a question in which the country was deeply interested, and he hoped that the Government would give some information to their Lordships as to the course which would be pursued. Next came the question of compulsory education. This question was connected with School Boards. He would not now express any opinion upon the subject, except by saying that if there must be compulsory education it should not be confined to some classes only, but be applied to all. If these School Boards were to become the governing powers with regard to education in the country, cases must arise in which parents would be compelled to send their children to schools where they would receive no religious education, or at all events a very imperfect amount of it, and he believed he was right in stating that the working classes were very far from desiring an education for their children without religion. On the contrary, they wished their children to go to schools where they would receive a sound religious and general education; and he felt sure that unless the system was placed upon a different basis from that on which it now rested, it would not meet the views of the people in the agricultural districts. The noble Earl then formally put the Questions of which he had given Notice, and moved for the production of the Returns.

LORD STANLEY OF ALDERLEY asked the Lord President to agree to the

addition to the Return of the following words:—

“Also specifying the names and number of School Boards which have discouraged religious instruction within the schools under their management.”

Some School Boards had reduced the time for religious instruction to 10 minutes; others had not allowed the Bible or Lord's Prayer to be read; and some had gone so far as to vote that they would not allow voluntary denominational schools transferred to the Boards to be used for religious instruction even out of the hours during which they were used by the Board.

THE DUKE OF RICHMOND AND GORDON, in answer to one portion of the remarks of the noble Earl (Earl De La Warr), said, he could confidently state that Her Majesty's Government were extremely desirous to originate in their Lordships' House as many measures of importance as it was possible for them to do: and when his noble Friend suggested that they had not originated in this House any important measure this Session, he must have lost sight of the Bill of his noble and learned Friend on the Woolsack, the Appellate Jurisdiction Bill, which, so far from being an unimportant measure, might be classed as one of the most important with which Parliament could have to deal: and if his noble Friend the Secretary of State for India were asked, he probably would not say that the Bill he had introduced in reference to the University of Oxford was an unimportant measure. As to the time when the Bill with regard to Primary Education would be brought under the notice of Parliament by the Government, he had to say that Her Majesty's Government had had a measure prepared for some time, and that it would have been introduced into the other House of Parliament by his noble Friend the Vice President of the Council had the opportunity offered; but the time of that House had been so taken up by the Merchant Shipping Bill that they had as yet no opportunity of introducing it. Their Lordships would probably agree with him that it would be far better to bring to a conclusion the debates on the Merchant Shipping Bill before the Education Bill was brought in. Further, it would be obvious to their Lordships that the House of Commons

was the proper place in which the Education Bill should commence, inasmuch as it was a measure which dealt to a great extent with the subject of local finance. The other House of Parliament was, therefore, pre-eminently that branch of the Legislature in which a measure of that kind ought to originate. Another reason for introducing it in the other House of Parliament was, if possible, to insure its passing this Session. Her Majesty's Government looked upon it as a measure second in importance to none, and no exertions on their part would be spared to carry it through Parliament. He was afraid he could not gratify his noble Friend's wish by giving him a complete outline of the course which Her Majesty's Government intended to pursue on this question. Their Lordships would agree with him in thinking that it would be in the last degree inconvenient that he should give an imperfect statement in this House of that of which his noble Friend the Vice President of the Council would give a perfect statement elsewhere. Nor did he think it would be respectful to the House of Commons if he were to state in this House the outlines of the measure before it could be submitted to the other House of Parliament. He could, therefore, say no more than that it would be his duty, should the Bill pass through the House of Commons, to bring it under the consideration of their Lordships, and to induce them to pass it through that House. He had no objection to the Returns which had been moved for, and he thought he would be able to add some further information which would make the whole more valuable and complete. As to the addition to the Return asked for by the noble Lord at the Table (Lord Stanley of Alderley), he had no objection to that also; but he had an objection to the language of it, as he thought it was not quite a proper form. The fact was the Return had already been made to the other House. He would suggest that the language of the Return should run thus—

“Specify all the names and number of school boards which have made no provision for any religious instruction in the schools under their management.”

He felt sure that that would give the noble Lord all the information which he desired to obtain, and the language of

Lord Stanley of Alderley

the amended Return would make it appear less invidious.

EARL GRANVILLE said, it was only fair to the Government to state that no complaint could be made of the manner in which the Business had been brought forward in both Houses, and he was bound to admit that the number of Bills which had been introduced into that House this year compared most favourably with previous Sessions. He quite agreed with the noble Duke that a discretion must be left to the Government of the day as to the particular measures which they might think it expedient to introduce in either House of Parliament.

Then the Motion for Returns amended and agreed to.

Ordered, that they be laid before the House.

Return of Civil Parishes (exclusive of London and municipal boroughs) under School Boards on the 1st of January 1876, specifying those where compulsory education has been enforced, and also specifying the number and names of School Boards which have made no provision for religious instruction within the schools under their management.—(*The Earl De La Warr*.)

UNIVERSITY OF OXFORD BILL.

(*The Marquess of Salisbury*.)

(Nos. 16, 45, 51, 68.) THIRD READING.

Bill read 3^d (according to Order).

THE MARQUESS OF SALISBURY moved, in Clause 2 (Interpretation), after line 19, to insert ("Hall") shall mean one of the following Halls—i.e.:—St. Mary's Hall, St. Edmund's Hall, St. Alban's Hall, and New Inn Hall.

Amendment agreed to.

In Clause 23 (Communication of proposed statutes for University, &c. to Hebdomadal Council, &c.), after ("least") insert ("exclusion of any University vacation.")

Clause 45 (Power for Colleges to alter statutes, &c.) at end of clause add as new paragraph—

"But where a statute of the Commissioners for a College affects the University, the same shall not be subject to alteration under this section, except with the consent of the University."

New clause, to follow Clause 46, relating to the government of Colleges. The noble Marquess said this clause was, he thought, a reasonable compromise upon a proposal made by a noble Earl not now in his place (the Earl of Camperdown), limiting the votes of Fellows not holding office—

"If at any time in a College the number of Fellows, other than Fellows holding an office in the College or in the University, exceeds one-third of the whole number of votes, the junior of the Fellows not so holding office shall not be entitled to vote in the government of the College until the number of those Fellows is reduced to one-third, and so from time to time."

THE EARL OF AIRLIE begged to thank the noble Marquess for meeting the suggestion which had been made by the noble Earl (the Earl of Camperdown), who had taken much interest in this part of the Bill. Perhaps, before the Bill passed its final stage in this House he might be allowed to say that he thought the noble Marquess had met in a very fair spirit the suggestions which had been made on his (the Earl of Airlie's) side of the House; and though the measure might not be all that they wanted, the noble Marquess had by his alterations improved it very much indeed, and had done a great deal to remove the suspicions—perhaps the somewhat exaggerated suspicions—with which some persons might have regarded the Bill when first introduced.

THE MARQUESS OF SALISBURY said, he was glad to be freed from the suspicions which had been expressed when the Bill was first introduced, that it had some propagandist or theological bearings. He had hoped that theological grounds would be banished altogether from the discussion of the Bill. Certainly there had been no wish on his part to further in this Bill the objects which had been attributed to him, and he was very glad that these doubts were no longer entertained.

Bill passed, and sent to the Commons.

House adjourned at half-past Six o'clock, to Monday next, Eleven o'clock

HOUSE OF COMMONS,

Friday, 5th May, 1876.

MINUTES.]—SELECT COMMITTEE—Boulogne sur Mer Petition, *appointed and nominated*.
 PUBLIC BILLS — *Ordered — First Reading —*
Convention (Ireland) Act Repeal * [143].
Committee—Cattle Disease (Ireland) [94]—R.P.
Committee—Report—Pier and Harbour Orders
Confirmation (Aldborough &c.) * [131].
Third Reading—Treasury Solicitor * [128], and
passed.

FRIENDLY SOCIETIES ACT—REGIS-
TRATION CLAUSE.—QUESTION.

MR. EARP asked Mr. Chancellor of the Exchequer, If he is aware that the construction put upon the Registration Clause in the Friendly Societies Act by the Chief Registrar is likely to necessitate the cancelling and re-registration of a large number of registered Courts and Lodges of United Societies, at very great expense; and, if he will take any steps to prevent such an expenditure of the funds of these societies?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he knew the matter was causing some interest. It stood in this way—Formerly all branches of Friendly Societies were obliged to be registered independently. Under the present law it was possible to cancel that registration and get them registered as branches of the society to which they belonged. The jealousy of Parliament guarded all such cancelling of existing registration by the necessity for advertisement notices which were of an expensive character. He should be glad to facilitate the re-registration of branches, if it were possible, by a short Act to exempt them from the necessity of issuing these advertisements. That, however, was a matter on which there was a good deal of difference of opinion among the societies, and although the central body in some cases desired to have the branches registered as such, many of the lodges did not desire it themselves. There was, therefore, great difficulty in dealing with the case; but if there appeared to be a general wish for it, he would not object to introduce a short Bill to do away with the necessity of re-registration in cases where the registrar was satisfied that all parties were agreed.

NAVY—COMMANDERS—ORDER IN
COUNCIL, 1864.—QUESTION.

MR. HANBURY-TRACY asked the First Lord of the Admiralty, If he will take under his consideration the propriety of restoring the benefit derived under the Order in Council of 1864, entitling Commanders to assume the rank of Retired Captain after 15 years' seniority, to those Commanders who retired under Order in Council 1873, he having granted the privilege of the step of Flag Rank to the Captains who retired at the same time?

MR. HUNT, in reply, said, the matter was very fully considered before the Order in Council was issued last year, and it was thought at the time that it was not expedient to make the proposed change. A memorial had just been received upon the subject, and of course it would receive consideration.

THE ART LIBRARY, SOUTH KENSINGTON.—QUESTIONS.

MR. TORRENS asked the Vice President of the Council, Whether any steps are being taken to meet the admitted want of accommodation in the Art Library at South Kensington, which was reported last year as still in the same crowded and unhealthy condition as for some time previously, two of the attendants being now in the Consumption Hospital?

VISCOUNT SANDON, in reply, said, he was sorry to say that the condition of the Art Library was very much as the hon. Member had described it to be. It was, however, a temporary room, and he was informed that all that could be done at present to improve it had been done. The Educational Library, which was the one in which the health of the young men alluded to suffered, had been now transferred to a larger and better room, so that he hoped there was no longer any danger to the health of the public or the officers attending the room. A general plan for completing the South Kensington Museum had been agreed upon between the Lord President and the Board of Works, and the first work to be undertaken was intended to be the Art and Educational Libraries; but the claims upon the Exchequer had been so heavy for more important public ser-

vices that it had been found absolutely necessary to postpone this work.

MR. BRIGHT asked whether it would not be possible to place in South Kensington Museum some benches or seats for the accommodation of persons who visited it? He had been there several times, and he considered it would be a great advantage to provide such accommodation for the visitors, because people could not stand two or three hours.

VISCOUNT SANDON said, he would inquire into the matter.

MERCHANT SHIPPING ACT, 1854— SURGEONS.—QUESTION.

CAPTAIN PIM asked the President of the Board of Trade, Whether the provisions of Clause 230 of the Merchant Shipping Act, 17 and 18 Vic. c. 104, is strictly enforced: viz.—that

“Every foreign-going ship having one hundred persons or upwards on board shall carry on board, as part of her complement, some person duly authorized by law to practise as physician, surgeon, or apothecary, and in default the owner shall for every voyage of any such ship made without such medical practitioner incur a penalty not exceeding one hundred pounds;”

and, if not strictly enforced, under what circumstances has the law in this respect become a dead letter?

SIR CHARLES ADDERLEY: Sir, Section 230 of the Act of 1854, requiring every foreign-going ship to carry a duly qualified medical man on board, is by no means a dead letter. In October last the Board of Trade issued a Circular calling special attention to the duty of comparing the names of the medical officers with the Register under the Medical Act of 1858; and in February last the Board of Trade inquired of the Registrar General of Seamen, whether he was aware of any neglect in ships, either under the Passengers' Act, or Merchant Shipping Act, 1854. He reported some cases, but whether they were all cases coming under Section 230 or not he could not say. The cases, with one exception, occurred at Liverpool. The Board at once communicated with the Superintendent of that Mercantile Marine office, who, it appeared, had misunderstood the Act. Lately the Board had inquired of the superintendents of 18 of the principal ports, and from their replies it appears that the 230th section has been generally strictly enforced.

THE ROYAL TITLES ACT—COMMISSIONS IN THE MILITIA.—QUESTION.

MR. W. E. PRICE asked the Secretary of State for War, with reference to the statement of the Prime Minister that the new Royal title will be employed in Army Commissions, whether it will also be employed in granting Commissions in the Militia; or whether there will be a difference between Commissions in the Regular Service and Militia Commissions, the one bearing the style of the Queen and Empress, the other that of the Queen alone?

MR. GATHORNE HARDY, in reply, said, that there would be no change whatever in the commissions of the Militia.

TURKEY—MONTENEGRO.—QUESTION.

MR. BUTLER-JOHNSTONE asked the First Lord of the Treasury, Whether it is true as reported in the newspapers, that the English Ambassador at Constantinople has tendered advice to the Sublime Porte not to occupy the territory of Montenegro; and, if so, whether that advice was given in consequence of instructions received from Her Majesty's Government?

MR. DISRAELI: In reply to my hon. Friend I would inform him that Her Majesty's Ambassador at Constantinople has not been called upon to tender any advice to the Sublime Porte as to the invasion of the territory of Montenegro. There was unquestionably a rumour very rife at Constantinople that such an invasion was contemplated, but the Porte officially denied that intention, and so it was quite unnecessary for Her Majesty's Ambassador to offer any opinion upon the subject.

THE UNITED STATES—THE EXTRADITION TREATY.—QUESTION.

SIR H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign Affairs, If his attention has been called to a telegram in the “Daily News” of May 4, to the effect that the United States Secretary of State had officially communicated, on Tuesday night last, to the British Government the decision of the Government of Washington to abrogate the 10th Article of the Treaty of 1842; and if such statement is correct?

MR. BOURKE, in reply, said, it was not correct to state that the United States Secretary had officially communicated with Her Majesty's Government on the subject, nor had any communication of the kind reached Her Majesty's Government from any quarter.

PARLIAMENT—ARRANGEMENT OF BUSINESS.—QUESTIONS.

MR. W. E. FORSTER asked the Prime Minister what business would be taken on Monday?

MR. DISRAELI, in reply, said, the Merchant Shipping Bill would be the First Order of the Day on Monday next, and after that they would proceed with the Commons Bill, if the Navy Vote was taken to-night. If not, the Navy Vote would be taken on Monday.

MR. FAWCETT was desirous to know after what hour the Commons Bill would not be proceeded with on Monday?

MR. DISRAELI: I hope not after an unreasonable hour.

MR. FAWCETT said, he had received an unusually vague reply, and he therefore must ask the Prime Minister whether he would name a definite hour after which the Bill should not be taken?

MR. DISRAELI: I can only repeat, as long as I have the conduct of the Business of the House, it will be my object to promote the general convenience of the House, and I hope I shall never propose anything unreasonable. I trust that in the present state of Business the hon. Member will not press me for a more definite reply.

MR. FAWCETT gave Notice that he would repeat the Question on Monday evening, and if he did not receive a distinct answer, he would move the Adjournment of the House.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

CENTRAL ASIA—KHANATE OF KHOKAND.

ADDRESS FOR PAPERS.

MR. BAILLIE COCHRANE, in rising to call the attention of the House to the occupation by Russia of the Khanate of Khokand; and to move an Address for

Copies of all Correspondence between Her Majesty's Government and the Russian Government respecting this occupation; and, of any Reports of Captain Napier or other Officers on the frontier states, said, that on one point there would be a cordial agreement—that the interests of India and the interests of England were identical, and that anything which tended to weaken us in India ought to be carefully watched. The House would agree with him that there was only one Power we had to consider when the question of India was discussed. Germany, France, and Italy had no interests in India, while Persia and Afghanistan were only of importance by relation to ourselves. There was but one Power to which we had to look, and that was Russia. The wild nomad tribes of Turkestan and the adjoining provinces looked to the North and saw a colossal military Power sweeping down, conquering their independence—sometimes advancing slowly, as in 1836, and sometimes with great rapidity, as in 1875 and 1876, but always continuously. If they looked to the South they saw another great Power, not so much distinguished for its military strength, but which was mistress of the seas. That great Power had marched on until she had arrived at the Indus and reached the foot of the Himalayas, while the wild tribes of Turkestan looked forward with the greatest interest and anxiety to a time when these two great Powers should be in presence of each other. No one would dispute the progress of Russia in Central Asia, but that progress was differently regarded by two schools of thought in England. One of those schools was represented by the hon. Gentleman the Member for Kirkcaldy (Sir George Campbell), and included men of the greatest ability and knowledge of India. They viewed the progress of Russia without alarm, and looked forward to a time when Russia should advance her frontier to the foot of the Himalayas. They regarded Russia as a civilizing Power, and thought it better that the wild tribes of Turkestan should be conquered by Russia, and that there was less chance of disagreement when these two great Powers joined their frontiers than at present. There was, however, another school who thought very differently, and he would endeavour to represent their views.

They regarded with the greatest anxiety the progress of Russia in Central Asia, and, without anticipating a time when Russia should either conquer India or attempt to do so, saw the danger of this constant approach towards our Indian frontier. When the frontiers of two great Powers like Russia and England were contiguous, great armaments must be kept up, because that very contiguity necessarily led to an increase in the means of defence by both. The great desert which formerly separated Russia from our Indian possessions was the greatest possible protection to us. It represented the Channel between England and the Continent, and enabled 60,000 troops in India to govern and control 200,000,000 people. This class of politicians anticipated a time when, if Russia advanced any further, we should be compelled to keep three times our present Force in order to occupy the position we now hold. That must be admitted to be at least a plausible view. He did not imagine that a great Power like Russia would come down upon our Indian Empire without notice; but in the event of a European war, the contiguity of the two frontiers would render it necessary to keep an enormous force in that country. Had anything changed since 1869? Russia had advanced since that time 1,000 miles towards our Indian frontier, yet her advances had attracted so much attention in Europe that Lord Clarendon wrote, on the 27th of March, 1869, to Sir Andrew Buchanan—

“Unless stringent precautions were adopted, we should find before long that some aspiring Russian general had entered into communication with some restless or malcontent Indian Prince, and that intrigues were rife, and disturbing the Indian population on the frontiers, against which Her Majesty’s Government would have a right to remonstrate with Russia; and it was in order to prevent such a state of things, which might endanger the good understanding which now existed, not only on this but on all other questions, between England and Russia, that I earnestly recommend the recognition of some territory as neutral between the possessions of England and Russia, which should be the limit of those possessions, and be scrupulously respected by both Powers. Baron Brunnow appeared to think that this would be a desirable arrangement, and promised to make a report of my suggestion to his Government. His Excellency called upon me this morning, and had the goodness to leave in my hands the copy, herewith enclosed, of a letter from Prince Gortchakoff, giving a positive assurance that Afghanistan would be considered as entirely beyond

the sphere in which Russia might be called upon to exercise her influence. Prince Gortchakoff replies,—‘The idea expressed by Lord Clarendon of keeping a zone between the possessions of the two Empires in Asia, to preserve them from any contact, has always been shared by our august Master.’”

Lord Clarendon, subsequently writing to Mr. Rumbold, said—

“It was thought advisable to propose that the Upper Oxus, which was south of Bokhara, should be the boundary line which neither Power should permit their forces to cross. This, I said, would leave a large tract of country apparently desert, and marked on the map before us as belonging to the Khan of Khiva, between Afghanistan and the territory already acquired by Russia, and, if agreed to, would, it might be hoped, remove all fear of future dissension.”

Sir Andrew Buchanan, writing in July, 1869, and giving an account of his interview with the Emperor, represented to His Majesty that while India and Russia remained as they were the good understanding which happily existed between the two countries would not be disturbed; but that the number of persons in England who were interested in the prosperity and tranquillity of India was very great, and that in the event of a conflict between Russia and Afghanistan, or of the entrance of Russian troops into provinces bordering on India, public opinion might be so excited that Her Majesty’s Government might be obliged to take measures to satisfy it entirely inconsistent with the views they at present entertained.

“The Emperor answered that he quite understood this, and it was only natural, but there was no probability of any event occurring to create such a state of feeling as that to which I had alluded, for I must know that he had no ambitious views, and that he had been drawn by circumstances (*‘que nous avons été entraînés’*) further than he had wished into Central Asia.”

Writing to Sir Andrew Buchanan on the 3rd of September, 1869, Lord Clarendon said—

“‘Prince Gortchakoff said the Emperor considered, and he entirely shared His Majesty’s opinion, that extension of territory was extension of weakness, and that Russia had no intention of going further south. It was satisfactory, I replied, to learn that the Emperor had arrived at such a sound conclusion respecting the interests of Russia, but that when I considered the rapid advances of Russia and her great organization of territory within the last five years, it was impossible to doubt that her army had been impelled forward either by direct orders from St. Petersburg, or by the ambition of generals in disregard of the pacific intentions of the Emperor.’”

They had, therefore, to do not only with the Emperor of Russia, but also with the Army, and throughout the Correspondence they would find that the Emperor said he was against advance and annexation. But then the generals advanced in spite of the Emperor and without any apparent authority to do so; and it was found that when those generals returned to St. Petersburg they were invariably received with respect and honour; they were decorated, and every approval was apparently given to their conduct. That was a fact which ought not to be lost sight of in considering this subject. The Emperor was most pacific in his tendencies, but they knew what had happened since 1869, notwithstanding those pacific tendencies. Lord Clarendon in the same letter continued—

“I pointed out the various acquisitions of Russia, and the dates at which they were made, adding that, Russia being now in possession of Samarkand, Bokhara was completely in her power, to which his Excellency assented; and that the next step onwards would probably be to Balkh, which could be of no use to Russia except for purposes of aggression; and that on the Hindoo Koosh the British possessions might be viewed as a traveller on the summit of the Simplon might survey the plains of Italy. The only apprehension we had was, I continued, that the nearer approach of the Russians and intrigues with Native Chiefs might keep the Indian mind in a ferment and entail upon us much trouble and expense, all of which would be avoided by a clear understanding with the Russian Government, by which a neutral ground between the possessions of the two countries might be established. Prince Gortchakoff replied that he could take no exception to anything I had said, and particularly with regard to the military commanders, who had all exceeded their instructions in the hope of gaining distinction. To this he added, that they had one after the other been recalled, and that nothing was to be feared on the part of General Kaufman, who had gained every honour that a Russian general could aspire to, and who had received special instructions from his Government.”

Now, let the House consider what had been the proceedings of Russia since 1869. In that year General Forsyth, an officer of distinction, was sent to Russia, and the most positive assurances were given to him that no further advances would be made by Russia in Central Asia. But two years subsequently, when Samarkand was occupied, it was distinctly stated that Russia preferred to give it up. Again, in 1873, the present Russian Ambassador was sent on a special mission, and it was

stated that there was no intention of occupying Khiva, that the object in view was to punish certain troublesome tribes, but what was the result? Khiva was occupied then, and was occupied still, and this very year they found that Russia occupied the Khanate of Khokand, and incorporated it with its own territory. So much for promises and pledges, so much, too, for a neutral zone. He would ask the House whether they did not consider that our rule in India was one of prestige? In the admirable biography of Lord Macaulay which had recently appeared, it was stated that the first observation Macaulay made when he landed in India was that he had arrived in a country where he found that our power depended upon our prestige of being a nation of warriors. Was it or was it not the case that we had lost prestige in India? He ventured to say, and he had heard from those who had recently come from Central Asia, that the opinion was gaining ground that England was losing influence and power, and that the only Power certain to advance was Russia. What said a high authority, Lord Napier and Ettrick, in “another place?” He said—

“He should never forget the painful impression with which he once heard the expression of a Russian diplomatist and statesman upon that subject. In conversation with him upon certain political eventualities which seemed to be impending, he (Lord Napier and Ettrick) said that in such eventualities the resistance of the English Government might be expected. The Russian statesman replied in deprecation and surprise—‘Resistance, my Lord, is a word which has no longer a place in the political vocabulary of England.’ If such an impression existed in the mind of a Russian statesman might it not exist in the minds of other persons in Europe much less well informed, and in a still higher degree in the minds of the ill-informed and easily-deluded classes of our Indian fellow-subjects?”—[3 *Hansard*, ccxxviii. 836.]

He could quote from many Russian newspapers and other documents to show the hostile feeling which existed towards England, but he would content himself with a few extracts. One Russian paper said that Central Asia was a poor, unpopulated country, which would never pay its expenses, but that it furnished the Russians with a splendid station, where they could take breath and collect their forces. In a number of *The Moscow Gazette* it was stated that Gassar and the countries on the southern side of the hills, forming the southern frontier

of Khokand, were subject to the suzerainty of Khokand. M. Terentyeff said—

“Our Central Asia possessions serve only as an *étape* on the road to further advance, and as a halting-place where we can rest and gather fresh strength. . . . Russia has been permitted to make vast headway, and is likely not to miss profiting by the opportunity.”

M. Ferrier wrote—

“Herat and Kandahar once in the hands of the Russians, they could become the arbiters of the various and conflicting interests of Central Asia, and could unite them all in her own favour. The very presence of the Russians in that country would of itself immediately create a hostile feeling among the native population.”

They saw what strides Russia had made within four years. Did they think she would be content with those advances? Were they or were they not prepared to allow Russia to occupy Bokhara and Khokand? Even now an expedition was preparing to occupy Merv. On this subject M. Frederick von Hellward, who had written on the subject of Russia in Central Asia, said—

“The circumstance that the influence of Russia is daily increasing, while that of England is declining, and that England is thus quietly being lifted out of the saddle, appears to us fraught with serious consequences in the proximate future. The British statesman ought to have foreseen this peril and nipped it in the bud, and to have placed in the very beginning a veto on the extension of Russian power in the East.”

Again, Vambéry said—

“If the Russian diplomatists can persuade the English that the possession of Khiva is only provisory, it will be an easy thing for a Russian army to march on Afghanistan at a time when Great Britain is standing unprepared. I do not mean to say that Russia designs any surprise, and that England has generally to fear such an attack. No, the result of this chess move will only be that Russia will arrive sooner in the true arena of subsequent events, and this precedence must not be allowed on the part of England. And, again, it is no longer asserted that the two great European Powers in Asia are only rivals in the field of geographical discovery, commerce, and Western culture. It is now confessed that a contest for supremacy is here involved, and, indeed, that a vital question is at stake.”

In *Clouds in the East*, a work written by the same author, he found recorded a conversation with Alayer Khan, who said—

“Ten years ago the Russians were a long way off; where are they now? They are at Samarcand, they are at Khokand, and Bokhara is

really theirs whenever they like to take it. The English told them they were not to take Khiva and they took it. Now they are on the Oxus. They will come to Merv, they will be at Herat. And do you think the people you have conquered in Hindostan will be as quiet as they are now with the Russians at Herat?”

It was important to bear in mind that from Merv to Herat there was water carriage, and also that between the two points there was a mail road, along which troops could make the journey from place to place in not more than four days. If once therefore the Russians were permitted to go to Merv, it was perfectly certain they would go on to Herat. It was not long since a traveller had a conversation with the Khan of Khiva on this very subject, and the Khan, referring to the advances that were being made in the direction of the British frontier, expressed his wonder at the apathy of the British Government, and also his conviction that whether it was or was not distasteful to the English people, they would speedily have to fight if the existing state of things was allowed to continue. The opinion of Lord Palmerston on a question of this kind would be received with consideration by the House, and he would therefore read an extract from a letter which in 1847 the noble Lord addressed to Lord Russell—

“A Russian force in occupation of Afghanistan might not be able to march on Calcutta, but it might convert Afghanistan into the advanced post of Russia, and whatever Hardinge may say of the security of the rest of our frontier, you would find in such a case a very restless spirit displayed by the Burmese, by the Nepaulese, and by all the unincorporated States scattered about the surface of our Indian possessions. These things would lead to great expense, require great efforts, and might create considerable damage. It is as well that we should be able to defend India in Asia, as well as in Europe.”

The hon. Gentleman the Member for the Elgin Burghs (Mr. Grant Duff) was one of those who formerly took a view much like that of the hon. Gentleman the Member for Kirkcaldy (Sir George Campbell), though he believed that since then he had spent some time in travel and had taken the pessimist view that it would not matter even if Russia advanced to our frontier. He had, in a very interesting book of travels which had just appeared, expressed different views from those which he formerly entertained. He said—

"Unless diplomacy keeps the Russians away from Merv, we can take up no attitude in those countries, except one;" and, he added, "any aggression on the dominions recognized as those of Sher Ali means war with England."

On the same subject Lord Derby addressed a speech to the House of Lords in 1874, in which he said—

"To maintain the integrity and the territorial independence of Afghanistan, in our judgment, . . . is, and ought to be, a most important object of English policy, and that any interference with the national independence of Afghanistan would be regarded by Her Majesty's Government as a very grave matter, requiring their most serious and careful consideration, and as one which might involve considerable danger to the peace of India. I think if such an interference occurred, to put the matter mildly, it is highly probable that this country would interpose."—[3 *Hansard*, ccxviii. 1916.]

It was not wished by any one that disturbances or misunderstandings should arise between this and any other country on the subject he was bringing before the House, and it was in order to diminish the possibility of any such event that he wished the country to inform itself upon the question. The Russian Government had always said the more we discussed the question the more we should understand it. He, however, thought the people of this country ought to make up their minds one way or other on this question. If we said to the Russian Government—"We don't believe you want to take India; we believe in your mission of civilization; but if you approach our frontier, for which there is no necessity, it will involve us in expense, and we ask you, in the interests of peace, to advance no further, to stop the expedition you are sending to occupy Kashgar, and, above all, not to cross the Oxus in order to occupy Merv," he could not help thinking there would be a satisfactory result. If, however, something of that kind were not done he felt convinced there would be trouble in the future. He had recently read an amusing article in a Russian paper, in which the writer said—"What is all this discussion about the advance of Russia? Let us advance and shake hands with you across the frontier?" That was certainly putting the question in a peculiar way, and simply meant that Russia would occupy all the country and all the important posts which England looked upon as a protection to her Indian Empire. If that course con-

tinued, we should be forced to have a very large force kept in India. He did not say it was the ultimate intention of Russia to attack us; but it was the general feeling that it was with such an intention Russia was making her advances in the East, and he therefore thought it highly important that such advances in the direction of British India should be resisted. He knew how difficult it was to create in the House an interest in any foreign question; but there might come a day when we should regret that we had not taken more care, and that we had allowed ourselves to be deceived year after year upon various pretences. He thought that the subject was one which was well worthy of the attention of the country and of the Government; and therefore he had ventured to introduce it. Thanking the House for the patient hearing it had accorded him on a not very interesting subject, in conclusion, he must say he believed that we should meet the Russian approaches as we should an encroaching and rapidly rising tide upon our shore; or, at all events, that we should be fully prepared to argue this great question. He begged to move for the Papers of which he had given Notice.

MR. FORSYTH: I rise to second the Motion of my hon. Friend the Member for the Isle of Wight (Mr. Baillie Cochrane). But in doing so it is not necessary for me to agree in all his views. This is a Motion for the production of Papers, and with the same object in view different speakers may have different opinions. I disclaim altogether any intention of attacking the policy, or blaming the conduct of Russia in making advances in Central Asia. Unless she occupies positions that threaten the British Empire in India, and create a feeling of insecurity, we have no right to interfere. It will be admitted that the advance of civilization upon barbarism, and the substitution of laws securing life and property against the rapine and violence of savage tribes, must necessarily benefit mankind. It must not be forgotten, however, that Russia is a semi-Oriental Power. She was an Asiatic Power before England had any possessions south of the Himalayas, and she has been forced, almost in fulfilment of her destiny, to make further encroachments towards the East. The policy of Russia in Central Asia was

Mr. Baillie Cochrane

well explained by the language used by Prince Gortchakoff in his Circular dated November, 1864, addressed to Russian Agents abroad, which was to the effect that the position of Russia in Central Asia was that of all civilized States brought into contact with half-civilized and nomadic populations; in such cases the more civilized State was forced, for the security of its frontier, to exercise an ascendancy over those which were less civilized. For my own part, I believe that it was not the wish of Russia to advance further into Central Asia, but that she was compelled to do so in self-defence. In a conversation that occurred between the Emperor of Russia and a near relative of my own—my brother, Sir Douglas Forsyth—in 1869, the Emperor stated that there was no intention to extend the Russian dominions in Asia, but that it was well known that it was impossible to stop when and where the Russian Government wished. I may admit that the conduct of Russia with regard to Khiva is open to question; because, notwithstanding the fact that Count Schouvaloff was reported to have stated at the commencement of the war with that country that there was no intention on the part of Russia to occupy Khiva, the entire half of the country situated on the right bank of the Oxus is now annexed to Russia. Therefore, if Count Schouvaloff ever gave that promise, beyond all doubt it has been broken. But even admitting that there was deception in the assurance given by the Russian Ambassador with regard to the intention of not retaining possession of Khiva, I do not know that we have much cause to complain. Russia had as much right to invade Khiva to release Russian captives, as we had to go to war with Abyssinia. Let me illustrate the case by a strong example. We know that Kashgaria stands in the way of a further advance of Russia to the East. It is a thriving, prosperous country, governed by an energetic Ruler, who has shown an anxious desire to be on the most friendly terms with England, and sets a high value on her support. I know from the best authority that he has a mortal dread of Russia, believing that she will before long attempt to swallow up his dominions in her advancing tide of conquest. Well, we have no treaty of defensive alliance with the Ameer of Kashgar, and if Russia were,

with or without a plausible pretext, to pick a quarrel with him, and march her troops into his territory, what right should we have to interfere? Kashgaria is too far from our frontier, separated from India by deserts and almost impassable mountains; and it would be impossible to say that the possession of Kashgaria would threaten the security of our Indian Empire. Russia has just annexed Khokand to her dominions, but by that she has not advanced her southern frontier a mile nearer to India than it was before; for Samarcand, which she has for some years possessed, is further south than Khokand. Moreover, it is not on the North of the Himalayas, that we need have any fear of the progress of Russia in the East. To reach India directly from the North an army would have to march across stupendous mountains by one of three passes—either the Karakorum, the Chang-nemmo, or the Baroghil Pass. By the Karakorum it must cross 11 mountains, each 18,000 feet high, with no sustenance for man or beast, beyond what the commissariat carried with it could supply, and exposed to piercing cold. The Chang-nemmo Pass has an easier gradient; but the elevation is still higher, and it is, I believe, a worse route than even the Karakorum. The Baroghil Pass crosses a belt of mountains from 100 to 150 miles broad. It is at the head of the Chitral Valley in Kafiristan, and is 500 feet higher than the Simplon. To suppose that a Russian army, after encountering the almost insuperable difficulties of these passes, and marching through Kashmere upon the Punjab, to be met there by our military force in India, could hope to conquer us, is an idle and chimerical idea. No! Sir, it is not from the North, but from the West and North-West that the real danger to India lies—if there be any danger—and it is to that part of the question that I wish to direct the attention of the House. There are two lines of advance upon the Punjab, and both lie in Afghanistan. The one to the South is by Kandahar and the Bolan Pass—the other, to the North, by Kabul and the Khyber Pass. No doubt, if Afghanistan were friendly to the invading force, and the enemy were able to march unopposed through either of these passes, the danger to us would be for-

midable, and it seems to me that our policy ought to be to strengthen as much as possible our influence in Afghanistan, and be able to rely upon that country as an impassable barrier against the aggression of Russia. She can approach Afghanistan either from the north from Tashkend, which is now the Russian capital of Western Turkestan, and the place from which one of the two expeditions marched which invaded Khiva. Tashkend is between 300 and 400 miles from Merv, and is connected with Oxenburgh by a long line of forts; and Merv is 250 miles from Herat, which has always been considered the key of the position. Merv is now practically independent, although I believe that Persia sets up some kind of claim of sovereignty. It is an oasis in the desert with a circumference of about 100 miles, and really belongs to the Turcomans who rove along the desert that separates it from Khiva. The other line of approach to Afghanistan which Russia might take is from the south-east corner of the Caspian Sea by the Attreck Valley and Meshed to Herat; but to do this she must count on the support or overcome the resistance of Persia. All this points to Persia and Afghanistan as the outer bulwarks of our Indian Empire, and our policy ought to be directed to cultivate the most friendly relations with them, and be able to rely upon their alliance and support in the hour of danger. Of Persia I need say nothing; she is our ally, and we have a Minister at Teheran. But what is our position with respect to Afghanistan? There is hardly any country about which we know so little. We have at various times subsidized Shere Ali, the Ruler of the country, and I believe, supplied him with arms; but our Commissioner at Peshawar says that Afghanistan is a sealed book to him. We have a Native agent at Cabul, but no trustworthy information is supplied by him. Whatever he has to tell us is first submitted to the Ameer, and comes to us coloured by the complexion he chooses to put upon it. No Englishman is allowed to set his foot in the territory. British merchandize entering the country is heavily taxed. There is on the Oxus to the north of Afghanistan a place called Hassar-Imam, where there is a large annual bazaar—I believe, one of the largest in the East. Russian merchants

find their way there from Tashkend in the north, and Russian goods go from it by way of the Pamir Steppe to Yarkand in Kashgaria; but our traders are entirely excluded, partly by the insecurity of life in travelling through Afghanistan to reach it, and partly by the heavy duties imposed by the Ameer. Moreover, the Oxus is navigable for small vessels, and the Russians are gradually creeping up the river, so that they have a double access to the bazaar from which we are practically excluded. Surely such a state of things ought not to be allowed to exist. We have a right to insist that Afghanistan should be open to our commerce, and we ought to establish direct relations with the Ameer by having an envoy either at Cabul or at Herat. I am assured that the country in the Khorassan frontier of Persia west of Herat has never yet been even surveyed, so that we really know nothing about it. There are three schools of politicians who propose to deal with the question of Afghanistan in different ways. The first propose a policy of masterly inactivity—that of doing nothing at all. The second propose that we should establish a sort of military Protectorate over Afghanistan. The third that we should exercise our influence on Afghanistan by establishing an Envoy at Cabul or Herat; that we should insist that Afghanistan should not be as a sealed book or closed country, and that we should be enabled to ascertain what are its resources and to explore its frontier. We ought, I repeat, to establish friendly relations with Afghanistan and Persia, and feel assured that in time of danger Afghanistan will rally to our side. When thus fully protected on the West, we may laugh to scorn the fears of Russian conquest, and contemplate with serene indifference the progress of Russia in Central Asia. And we shall then no longer be exposed to periodical panics because Russia happens to take possession of a piece of country north of the Himalayas.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of all Correspondence between Her Majesty's Government and the Russian Government respecting the occupation by Russia of the Khanate of Khokand; and of any Re-

ports of Captain Napier or other Officers on the frontier states,"—(*Mr. Baillie Cochrane*),

—instead thereof.

SIR GEORGE CAMPBELL said, the position the question had assumed had very materially changed since the right hon. Gentleman the Prime Minister had, in such a distinct, emphatic, and he (Sir George Campbell) had almost said ostentatious manner, declared himself to be a Russophobist. So long as the matter was the peculiar patrimony of the hon. Member for the Isle of Wight (*Mr. Baillie Cochrane*), it was not of so much consequence; but since the right hon. Gentleman at the head of Her Majesty's Government declared that it was necessary to stop the progress of Russia in Asia it must be admitted that the question was one of the utmost seriousness and importance. The right hon. Gentleman might perhaps have used the expressions to which he referred in furtherance of his policy in regard to what he (Sir George Campbell) might call, comparatively speaking, a trumpety Titles Bill; but he had reason to fear that the declaration of the right hon. Gentleman did not stop there. From all he could learn, he believed that behind that declaration there was an important change of policy on the part of the Government in regard to the North-West frontier of India. He believed Her Majesty's Government were now adopting what he might call a forward policy with reference to that frontier. If he were mistaken, no doubt he would be corrected; he had no particular sources of information, for he believed that all that was done was done in the secret department of the India Office or of the Foreign Office. From what he gathered, however, in this country and in India he believed, as he had said, that Her Majesty's Government at present, in accordance with the view expressed by the Prime Minister, were attempting to adopt a forward policy, and what made the matter more important was this—that the views of Her Majesty's Government were in a great degree opposed to those of the Government of India. The Nobleman who for some years had held the office of Viceroy of India, and his Council, and those local officers who dealt with the subject under the Go-

vernment of India, were, from little things he had noticed, opposed to the views of the Government in England, and Her Majesty's Government were pressing unwilling officials in India to a forward policy in regard to the frontier question. He was confident in that belief. It was the fact that the most experienced men in India were of the opinion that he himself held—namely, that it was better not to press forward on the North-Western frontier of India. If that policy were adopted it would change the whole features of the case, and he hoped that evening an expression of opinion would emanate from the House of Commons which would show that the policy of advance was not approved, and serve as a warning to the Government that they had better be cautious in the matter, and leave the question to those intimately acquainted with the frontiers of India. He believed the Government were to a too great extent guided in this matter by a very able man, Sir Henry Rawlinson, who held very decided views on the question, which views, however, were not in accordance with those entertained by men of equal experience in India. There was another matter which, as he understood it, indicated a risky policy of the Government. Her Majesty had recently appointed a new Viceroy, a man of great ability and diplomatic experience, and he understood that on the eve of the noble Lord's departure from this country a gentleman favourable to a go-ahead and forward policy—Sir Lewis Pelly—was suddenly summoned to accompany Lord Lytton to India. He believed it was generally understood that Sir Lewis Pelly proceeded to India as the adviser of the Viceroy on frontier matters. That was a serious subject at the present, and he hoped the House would treat it in that light, for the result would probably be that a dangerous policy with regard to the frontiers of India would be adopted. The right hon. Gentleman at the head of Her Majesty's Government on the occasion when he made the declaration to which reference had already been made, described the position of Russia in the East as now being within a few marches of our own frontier in India. It was a great latitude of speech on the part of the right hon. Gentleman to describe the territory intervening between

the two positions as "a few marches." The hon. Member who brought forward the Motion (Mr. Baillie Cochrane) had been good enough to accompany his statement with a map, which was all very good as far as it went; but it did not give the physical features of this intervening country, though among them were the greatest mountains in the world. The hon. Member had given them figures also, and he stated the distance between the frontiers, the Russian at Samarcand and ours at the Indus, at 1,260 miles, which was over one of the most difficult countries in the world. That was only the distance between the frontiers. That of the seats of government was considerably greater.

MR. BAILLIE COCHRANE: That was the distance to the Indus, not to the frontier of Afghanistan.

SIR GEORGE CAMPBELL: Quite so—to the frontier of India. Her Majesty was now Empress of India, and the Rajah of Cashmere, who was an ambitious man, exercised a vague sort of feudal right over the country beyond, to which he had endeavoured to extend his territory. On the side of Russia, also, there were Protectorate claims, which, in one sense, might be assumed to bring the two frontiers closer. It was by counting distant tributary tribes in this way, their country lying beyond the ordinary range of the frontier, that the right hon. Gentleman might justify the estimate of the distance which he had given to the House, when he described the two frontiers as being only "a few marches" apart. For all practical purposes, however, that was not the case. The country which separated the frontiers contained the vast mountain range which Asiatics aptly named "the Roof of the World," and which, rising to an average height of 18,000 or 19,000 feet, in some places had a height of as much as 29,000 feet. The country was absolutely impassable for troops, and in that view he quite concurred with the hon. and learned Member who had just spoken. It was utterly impossible for an army to travel; even a traveller bent on a peaceful journey had extreme difficulty. Probably when aerial machines were constructed that would cross mountains, they might not be deemed serious obstacles to military operations; but until that day came the mountains of which he was speaking

Sir George Campbell

would prove an impassable barrier to the advance of any considerable number of men and quantity of material. He (Sir George Campbell) believed that we had no reason to apprehend danger because Russia had advanced to Khokand, and that Khokand was not one inch nearer to our frontier in India than the place formerly occupied by Russia. In advancing to Khokand Russia had followed the route, not to India, but to China. Beyond Samarcand, and reaching to Orenburg, they had another stretch of impracticable country, 1,500 miles in extent. The hon. and learned Member said that the Russians had commenced their railways from Orenburg to Samarcand. He (Sir George Campbell) was not aware of the fact, but even assuming that it was so, there were still 3,000 miles of impracticable and unproductive country interposed between the two seats of power. When that distance was bridged over by a series of railways, Russia might make herself troublesome to India, but not before. The hon. Member for the Isle of Wight said, although it was true Russia was not so near our frontier as to be able to throw any large body of troops into our Indian Empire, yet apprehension on this subject was unsettling and disturbing the minds of our subjects in India. The right hon. Gentleman the Prime Minister said the other evening that—

"The population of India is not the population it was when we carried the Bill of 1858. There has been a great change in the habits of the people. That which the Press could not do, that which our influence had failed in doing, the introduction of railroads has done, and the people of India move about in a manner which never could have been anticipated, and are influenced by ideas and knowledge which before never reached or touched them. What was the gossip of bazaars is now the conversation of villages."

MR. BECKETT-DENISON rose to Order. The hon. Gentleman was quoting speeches made in a debate during the present Session.

MR. SPEAKER: It is certainly out of Order to quote Speeches made in a debate during the present Session.

SIR GEORGE CAMPBELL hoped the House would forgive him on the ground of his want of experience. He should be sorry to infringe the Orders of the House; but he might be allowed to quote the substance, though not the terms, of the right hon. Gentleman's

observations. This was a matter on which he had great personal knowledge, and, presumptuous as it might appear, he must take on himself to contradict the statement of the right hon. Gentleman in the most absolute manner. The minds of the villagers of India were in no degree disturbed by the advance of Russia; nor had they any considerable knowledge of the fact. The Central Asian question did not hold in India the same position that the Eastern question did in Europe. The Indian villagers did not concern themselves about it. Whatever knowledge they had of it was almost entirely derived from our own newspapers. The people of India in general were wholly without excitement on the subject. The right hon. Gentleman also said that the title of the Emperor of Russia was well known to the people of India. That again he must contradict. He believed that the Emperor was merely spoken of, where he was known at all, as "Shah Russ," or King of Russia. The alarms, in short, that were spread abroad were very ill-founded, and he believed we occupied a very strong position in India, which would be greatly strengthened by the force of habit and by custom, if by nothing else. The people were not inclined to welcome invaders from Central Asia, but from tradition and recollection they had a fear and a terror of an advance on the North-West frontier. They were rather inclined to look to that quarter as associated with the most terrible onslaughts of bloodshed and plunder.

Then the House was told of the 40,000,000 Mahomedans in India, but there was a great deal of misapprehension on this subject. As regarded religion, there was a great gulf between the Mahomedans of Southern Asia and the Turks. Between the Arabs and Persians, and Afghans, and the Turks there was no feeling in common. All their sources of religion and civilization were not Turkish, but the very opposite. It was supposed in this country that the Sultan of Constantinople was a great power in India. There never was a greater delusion. Not a man in India looked to him as either his religious or political chief. The Indian Mahomedans had no concern whatever with the Sultan of Constantinople. Of the 40,000,000 of Mahomedans in India, 20,000,000 were in

Bengal, chiefly in the Eastern districts. They were among the quietest and best of our subjects; they were comparatively wealthy and well-to-do, and we had ruled them for 100 years with a garrison of only one Native regiment. What were called Mahomedan Puritans, no doubt, were not unknown in Eastern Bengal; and if we pressed landlordism too much upon them, they might possibly rise some day against us; but if there should be a rebellion among them, it would not be a political, but an agrarian rebellion. At the other extreme of India, in the Punjab, there were other 10,000,000 of Mahomedans, or one-half of the inhabitants, but they were people whom we had rescued from the tyranny of Sikh rule; they were quiet and industrious, making our best cultivators and best soldiers; and they had reason to be—and they were—grateful to us. The remainder of the 40,000,000 of Mahomedans were scattered throughout India, and if we only gave fair justice to that population in regard to their agrarian affairs, in regard to a share of Government employment, and in regard to education, there was no reason to think they would be troublesome subjects.

Well, though he was opposed to "Russophobia," he admitted that he was by no means without apprehension of the approach of the Russians to India. Some day or other they might be very troublesome neighbours to us; but supposing it was so, how were we to stop them? He agreed with the suggestion of the hon. and learned Gentleman the Second of that Motion (Mr. Forsyth) as to our not being able to deal with advantage with the Russians, because they did not adhere to their Treaties. The engagements they had made in respect to their advance in Central Asia they had not kept; and beyond that, the experience gained from the way in which they had thrown the Treaty respecting the Black Sea, made after the Crimean War, to the winds, showed that understandings entered into with them would last just as long as it suited them to maintain them, but not a moment longer. The Russians were now conquering and crushing the Mahomedan Powers of Central Asia; and it was much better for us, by a "masterly inactivity," to leave things in their present position, with those Mahomedan Powers looking with apprehension on the Russians, rather than

looking with apprehension on us. In seeking to have an understanding with us, the Russians had their own ends in view; they wanted our moral support in gaining hold of Central Asia. In Samarkand and other parts of Central Asia the English name was great as well as the Russian. In 1842 we made an unfortunate advance upon Afghanistan; and the Russians were now in much the same position in Turkestan. They wished to have the moral power which would be given them by the belief that they had come to an understanding with the English. We should not extend to them our moral support, but should hold ourselves aloof. We had already gone far enough in the direction of an understanding with Russia, and the present understanding with her he took to be this—that Afghanistan was reserved from Russian influence and interference. If that understanding was broken, the time would come when we must consider what we should do next; but, above all things, we must avoid the folly of making the Afghans our enemies, or of leading them to dread an advance from ourselves. We had better make them feel that we would have nothing to do with Afghanistan. We had burnt our hands already there, and let us not attempt the thing again. We ought to go no further than protecting the Afghans against the advance of the Russians if the necessity should arise. As a military question, then, the danger to our power in India from Russia was, he believed, now unreal, and would be unreal for the next 20 or 30 years. But it was real in a financial point of view. The state of our finances, and of our army also, in India was such that, if we entered into a military rivalry with Russia, those finances would be ruined and our position in India thereby made untenable. Great wars in future would depend on money above all things, and let us not waste our resources by going to meet the Russians before the time came. Our true policy was to make the most of the productive powers of India, to husband her revenues, and to keep our powder dry. Then he hoped that when we might meet the Russians, our meeting with them would be friendly; but in any case we could then meet them at the best advantage. He would conclude by expressing an earnest hope that for the reasons he had assigned Her Majesty's Government would not press

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upon the Government of India a too forward policy.

MR. BUTLER-JOHNSTONE said, that if several of the statements of the last speaker were correct, we were indeed in a bad way. The hon. Gentleman (Sir George Campbell) looked with apprehension on our condition, yet he had no policy but a do-nothing policy; and he would advise us to wait until Russian railways were completed, and our danger was immediate. If that view were to be accepted, the best thing we could do would be to begin packing up our traps in India, so as to be ready at any time to forsake that Empire. If there was present danger in the Russian advance and nothing was done, the time would come when that danger would be destructive. The hon. Gentleman had further assumed what the policy of Her Majesty's Government would be relative to Afghan. For himself, he (Mr. Butler-Johnstone) inferred that no Government would assume towards the Afghans an offensive policy, for it was obvious that it would be wise to put between us and Russia a well-disposed people. When it was assumed that the policy of the Government at home was distinct from that of the Government of India, it was implied that there was a consensus of opinion in India which did not exist; and, after all, it was the Government at home which was responsible, and which would have to act if there were real danger, for power and responsibility must go together. It was, therefore, satisfactory to know that there was at home a Government which would accept the responsibility and meet the danger. Until the policy of Her Majesty's Government was known, it was impossible to criticize it. There was a general opinion as to our Indian Empire being in danger, and, in his opinion, that danger was two-fold: First, England was not, and he thought it never would be, a military Power; and when we had a military Power on our frontier, we must meet it in a military manner, or there would be danger to the Commonwealth. But our danger was not simply the danger of the invasion of our Indian Empire. The second element of danger here came in, for it was obvious that there must be scattered masses of disaffection, whether Mahomedan or otherwise, in a country where 60,000 or 70,000 governed 200,000,000, and our

danger would be enhanced by the concentration of any of these scattered masses, and increased by the knowledge of there being a European nation, and some day possibly a hostile one, at the back of those who were disaffected. He agreed with the hon. Gentleman who moved and the hon. and learned Gentleman who seconded the Motion that we had no right to say to Russia—"You shall not go to central Asia," because the world, and even Central Asia, was large enough for Russia and for England. No doubt, it would diminish anxiety if our Indian Empire were surrounded by water and the desert; but, Russia being in our neighbourhood, we must deal with the fact. There was great cordiality between us, and he hoped it would long continue, for nothing could be more terrible to contemplate than a death struggle between two such Powers; and he believed no calamity of the kind would befall us during the life-time of the present Emperor; but the life of a man was short, as compared with the life of a nation, and we could not tell what our relations might be when the Russian railways were completed. Seeing that great danger, he said it was not a satisfactory thing to know that we could not put 100,000 into the field to put down another Mutiny or rebellion in India; but that number of men was not required. What it was necessary to do could be done by a scratch of the pen by the Prime Minister. What had two great men and authorities on India said? Sir John M'Neil said the "right of search" was a providential weapon placed in the hands of England for the defence of India. When the free city of Cracow lost its freedom, Lord Palmerston said it was a pity that the Vistula could not float men-of-war. But it was unnecessary that should be the case. England's maritime power could have saved Cracow if it had chosen. Lord Palmerston said the Empire of England was to be saved or defended not only in Europe, but in Asia. He (Mr. Butler-Johnstone) would adopt the converse of the phrase, and say that the great Empire of India was to be defended not only in Asia, but in Europe. If the Ministers of the Crown cared to do what the country would some day demand—namely, revert to the maritime rights of England, there would be no fear for India at the hands of Russia.

SIR HENRY HAVELOCK said, he concurred to a great extent with the last speaker, but he had heard a great part of the preceding speech with considerable apprehension. There was no man who could speak with more authority and accuracy in reference to the country and the feelings of the Indian population towards England than his hon. Friend the Member for Kirkcaldy (Sir George Campbell), but if he (Sir Henry Havelock) could accept the views of his hon. Friend in their entirety that would not make him feel more comfortable. His hon. Friend spoke of waiting 30 years; but, having studied the question for himself with the advantages of, as it were, hereditary knowledge, he should be surprised if we had to wait for five years before we were called upon to take action. He was no Russophobist; he had no fear of Russia, nor any other country. He did not believe that the interests of Russia and England were by any means so antagonistic as some supposed; but he believed that by prudent and friendly action, mutual conciliation, cordiality, and agreement, all possibility of a hostile collision might be avoided, and it might be shown that the world was large enough for the interests of both. It was generally supposed that the danger from the advances of Russia was to be looked for on the North-Western frontier, but people had too much neglected to look at the other line, in the direction of the West, in which the progress of Russia in Asia and Europe had been most marked. The situation of Russia had been totally changed during the last few years. During the Crimean War she had only one practicable railway. During the last 20 years, however, Russia, with the money we had lent her, had built 12 different lines of railway, not intended for commercial but purely for military and strategical purposes, and some of them extending themselves to Central Asia. The essential point was, that Russia had not only lines directed upon every country in Europe, but a partial railway communication with Asia, which was improving day by day. At the time of the Crimean War the Caucasus was a thorn in the side of Russia; now it was the stronghold of her power, and she would soon be able to carry her troops from the Baltic to the Caspian. Here she had a considerable flotilla, which, by traversing 250 miles by sea, would enable her to

land troops on the south-east corner of the Caspian Sea. Hence she had a direct, easy, and open road by 20 days' marches to Teheran. It was not on the North-West or Northern frontier that Russia was most formidable, but she was established on the Oxus, and from that point to Merv was 180 miles, and thence to Herat was only 250 miles, or, as his hon. Friend suggested, 13 days' march. He was no alarmist. Looking at the policy of Russia in the matter of finance, he regarded her as almost in the same state of bankruptcy as Turkey. With an immense population, Russia had devoted her resources not to the development of her commerce, but mainly and chiefly to the development of her military power. An easy access to some sea was a commercial necessity with Russia, and it was one with which England could not help sympathizing. There were, however, two directions in which this aspiration might be fulfilled. One was in a south-easterly direction to the head of the Persian Gulf, and the other through the Black Sea and the Dardanelles to the Mediterranean. The advance of Russia was upon two lines, and might be compared to the antennæ of a crab, with one point on Khokand and the other in the neighbourhood of the Black Sea. She would thus be able to act on a double line, and upon neither were we prepared to meet her. He hoped that peace might be preserved, that the interests of England and Russia might coincide; but it was right that they should look at eventualities. These eventualities might come in this shape. Russia might say—"I have some views as regards Turkey and as regards access to the Mediterranean; I should regret if you have any objection, if so, we must take our own line." Should she do that, it would be difficult for us to meet her. The matter was one to which the hon. Member for the Isle of Wight (Mr. Baillie Cochrane) did well to draw attention. Very few people understood the question, and in one sense this was fortunate, because it would otherwise excite a greater degree of apprehension and alarm than would be altogether comfortable. The hon. Member only moved for certain Papers, and he (Sir Henry Havelock) did not see how the Government could decline to grant them, seeing that the question had reached a stage in which the facts ought to be in the hands of almost every Eng-

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lishman. As the Mahomedan population of India had been referred to, he might claim to have some knowledge also of them, and he could fully endorse what had been said by his hon. Friend the Member for Kirkcaldy (Sir George Campbell). We had made India more our own than it had ever been before by the justice, humanity, and evident unselfishness of our rule. But there were other Mahomedan populations than those subject to us in India, and they sympathized with each other. It was the natural destiny of Russia to become a still greater military Power, and we could not complain because, instead of being able, as formerly, to place 600,000 or 700,000 men in the field, Russia would soon put under arms 1,500,000 men. If her military organization went on, that number, vast as it was, might be increased before long by one-third. That was a contingency which ought not to be left out of the calculation. The Army of India would always be faithful to us, and there was no reason to doubt its efficiency for purposes of defence. But the House ought to be told that the Native Army system of India was at the present moment rotten from head to foot. He spoke of the Native Army, and he said it was never in a more critical position. [Sir GEORGE CAMPBELL: No, no!] The House had, no doubt, seen that the Prince of Wales, in the course of his progress through India, had written a letter stating that the Army in India was in the highest state of efficiency and discipline, and this might appear to be in contradiction to what he had just said. The two things, however, might and did co-exist. The Army of India might for ordinary peace purposes, for show and parade, appear to be a remarkably fine Army, and yet it might be radically defective in its organization so that it could not stand the test of war. The Native Army was, in fact, officered on entirely false principles. This was a matter which had never been sufficiently adverted to. It consisted of 140 battalions of infantry and 40 regiments of cavalry, all officered on the false principle of containing only five European officers each. [An hon. MEMBER: And native officers.] If the hon. Gentleman supposed that the Native officers would supply the place of European officers he differed from him. A Native Army officered on these false principles was in great danger, when the

critical moment arrived, of becoming a disorganized and rabble mass.

It was of the highest importance that we should come to an understanding with Afghanistan. It had been said that Sir Lewis Pelly would not be sent as Envoy to Cabul; but he hoped there would shortly be such a friendship between ourselves and Afghanistan, and that the Afghans would accept him or whomever we might send as their best and warmest friend. The fact was, that we were labouring under that insane terror of Afghanistan and its passes which was brought about by the Afghan War of 1838-9. But the state of things at that period had now ceased to exist, and if we should ever be in a position of hostility to Afghanistan, the passes would present to us no difficulty whatever, as we could now carry rifled artillery of small weight over the most difficult heights. It was possible that if we continued to treat Afghanistan as we had done up to the present time by adopting an indefinite policy which she could not understand, she might throw herself into the arms of Russia, instead of depending upon us. In conclusion, he would say that his view of our position was this, that we should hail and foster by every means in our power any extension of Russian civilization and commerce in Asia which would lead her East and North, but that as regarded any advance to the South and South-West, we should be in a position to say—"Thus far shall you come, and no farther." He supported the Motion for the production of Papers, and hoped there would be no objection to that proceeding.

MR. DISRAELI: Sir, my hon. Friend the Member for the Isle of Wight (Mr. Baillie Cochrane) has brought forward one of those interesting annual Motions upon the state of our Indian Empire which always receive the attention of the House, and of which it may be said that almost every year some new incident occurs which adds, of course, increased interest to my hon. Friend's statements and speculations. Our attention is called to this question of our Indian Empire to-night in consequence of the conquest recently by Russia of the Khanate of Khokand. Now, that is not an event which was not anticipated, I think, by those who have given much attention to this subject. I think that from the period of the con-

quest of Tashkend, some 10 years ago, everyone must have felt that it was almost inevitable that all these Khanates would be conquered by Russia, and that it was a question of time, which greatly depended of course on the conduct of the inhabitants of those countries themselves. I think that in the present instance they precipitated their fate by constant attempts to struggle against Russia—attempts which I am far from wishing in any way to discredit, as they probably add much to their honour and patriotism—but which, unfortunately brought about the termination of their political independence, which might otherwise have lasted some time. This event after all is one which was anticipated and is in a direction of country that is not peculiarly menacing to those Imperial interests which engage our attention. My hon. Friend has called our consideration to what he conceives to be the serious consequences of this event and of others of a similar character which may follow upon our position in India. My hon. Friend has substantiated his views by quoting from several individuals, some of them known, and men, no doubt, of talent and experience, but all utterly irresponsible in the opinions which they have given. One of them is anonymous, and that I think was the opinion on which my hon. Friend seemed to lay the greatest stress. That was the opinion of the gentleman who thought that this advance of Russia into Central Asia ought to be nipped in the bud. Now nipping in the bud means that the English power should have proceeded beyond our Indian boundary, should have crossed some deserts with which we have since become familiar, and should have entered upon one of the most hazardous, and I should say, one of the most unwise struggles that could well be conceived. Well, then, my hon. Friend says that we ought to come to some "understanding" with Russia. That is a very vague word, and I do not know that our "understandings" with Russia, which have sometimes upon these subjects assumed the character of promises which it seems were never given, have ever been realized. My hon. Friend in his speech seemed to me to treat the scheme of a neutral zone as one which had been brought into practice and had been sanctioned by the two great Powers

of Russia and Great Britain. But the fact is that the neutral zone was a speculation in a diplomatic despatch, nothing more. It never was accepted at any Conference or Congress, nor was it ever expressed in any Protocol or Treaty. The idea that Great Britain and Russia agreed to establish a neutral zone between their respective Empires, and that Russia has all this time systematically violated the neutral zone that was agreed upon, is one of those delusions which, having once got possession of the public mind, it is very difficult to terminate. The fact is that no neutral zone was ever agreed upon by the statesmen of the different Powers. With regard to understandings, there was an understanding about Khiva; but we must all admit that that was a most unfortunate understanding, because no two persons ever agreed as to what that understanding was. Therefore I am far from wishing to enter into any understanding with Russia to prevent those fears and apprehensions of which we have heard so much, and on which I may make a remark. The hon. and learned Gentleman who made an interesting speech in seconding the Motion of my hon. Friend certainly contributed much to the debate, but he did not enforce particularly the views of my hon. Friend. I must say that, although I should be proud on a fitting occasion to have the hon. and learned Member for Marylebone for a seconder, if he made as good a speech as he has delivered to-night, still I would rather that he should support the policy I was recommending to the House instead of laying down that the conquest of Khokand was perfectly justifiable, and not in the least injurious, and stating that he should look forward with satisfaction to the conquest of Kashgar. That was not the kind of support which my hon. Friend the Member for the Isle of Wight might fairly have expected. The hon. and gallant Gentleman who has just sat down (Sir Henry Havelock) presses upon us the importance of establishing a substantial boundary to the great frontier State of Afghanistan. I believe that Her Majesty's Government are perfectly conscious of the importance of establishing the best relations with Afghanistan and of cherishing those relations; but although we are most anxious for the prosperity, the peace,

and the power of Afghanistan, still we cannot be blind to the very unsatisfactory state of its present Government. We know that there are many who wish to be masters—which is very much to be deprecated—and that there are many aspirants to power. But that is not a state of affairs which can, in our opinion, be remedied by force. It is by cultivating friendly relations; it is by cherishing communications, which have been rarer than we could wish, but which, I hope, are increasing; and it is by commercial influence to a great degree that we must gradually obtain that position in Afghanistan which, I believe, would be a natural position for us if both countries were equally conscious of the independence, the security, and the peace that are involved in that relation. My hon. Friend the Member for the Isle of Wight asks me whether I am prepared to grant the Papers which he requires. Now these Papers are of two kinds. He wants Copies of all Correspondence between Her Majesty's Government and the Russian Government respecting this occupation of Khokand. Well, there are none. Then he wants the Reports of Captain Napier or other officers on the frontier States. Well, these are confidential Reports to the Indian Government. It is unusual, and I think it would be unwise to produce Papers of this kind, and I therefore hope my hon. Friend will not be offended or suppose that we consider the subject which he has brought under our consideration is not one of interest and importance, if I request him not to press his Motion for documents, the greater part of which have no existence, and which as respects those we have could not be laid on the Table of the House without great indiscretion. I would not trouble the House to-night with the few remarks which I have made and which might have been made much better by my hon. Friend the Under Secretary of State for Foreign Affairs, had it not been for the speech which was made in the early part of the debate by the hon. Gentleman the Member for Kirkcaldy (Sir George Campbell), to whom on this subject I listened with attention, even when, as to-night, he made some statements which appear to me to be quite unfounded. The hon. Gentleman seems to me to look upon the present Motion as being in itself of no importance, and I am not sure that he

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would have condescended to take part in this discussion had it not been for the portentous declaration which he says has been made by myself. It appears from the hon. Gentleman's view of the case that I am a Russophobist, and that I took in the House the other day the opportunity of hurling a menace at Russia. Now, what I said the other day I will advert to in a moment; but I was not aware at the time that the remarks which I then made would be the subject of such contrary interpretations, for they have been described on the one hand as being extremely indiscreet, and prompted only by the exigency of the moment, while to-night I come down to the House of Commons, and hear a high authority on such matters refer to them as observations which, instead of being indiscreet, and prompted by the exigency of the moment, indicated a change in our policy. Our future policy in the East was, according to the hon. Gentleman, shadowed forth by the observations which I made on the occasion to which he referred. The hon. Gentleman even alluded to certain proceedings which recently occurred at Khelat, as demonstrating the great change and revolution in our Indian policy to which he called the attention of the House. I can only assure the hon. Gentleman that what has taken place at Khelat is, as I believe, a wise and proper step, and one for which Lord Northbrook is as perfectly responsible, as he is for any act of his Administration; and if the hon. Gentleman wishes to obtain proof of this vast and dangerous change in our Indian policy, which he has not merely intimated, but announced this evening, but of which there is no evidence, he must not trust to the incidents which have taken place recently at Khelat. I take so very different a view of the relations between Russia and England, especially with reference to India, from those which the hon. Gentleman has imputed to me, that I must say I listened with considerable astonishment to his remarks. What I said the other night was, generally speaking, quite in accordance with all my previous declarations on the subject. I believe, Mr. Speaker, it is by courtesy allowed to a Member of the House to quote from a speech he has made in the Session, and I therefore quote this sentence—

"I am not of that school who view the advances of Russia into Asia with those deep misgivings some do. I think that Asia is large enough for the destinies of both Russia and England."

Now, it seems to me to be somewhat curious that a man should be called a Russophobist for making a declaration of that kind. I went on to say—what I before stated in this House—

"Whatever may be my confidence in the destiny of England, I know that Empires are only maintained by vigilance, by firmness, by courage, by understanding the temper of the times, and by watching those significant indications that may easily be observed."

These may be considered indiscreet observations; they may be construed into a menace to Russia by the hon. Gentleman, who has not been very long in the House, though we are all glad that he is amongst us; but I may be allowed to say that ever since I have had any control over public affairs—which has been for now nearly a quarter of a century—so far as regards Foreign Affairs, and as representing a large Party, these are the opinions which I have invariably expressed. They are no secret to the Russian Government, which has heard them over and over again, not merely in Parliament, but in our offices and our drawing-rooms, and the Russian Government have always put upon them an interpretation perfectly different from that which the hon. Gentleman put upon them. The Russian Government has not looked upon them as a menace, but, on the contrary, has regarded the language used as taking a common-sense view of the position of the two countries—that there was room enough in Asia for Russia and England, and that there was no reason whatever why there should not exist between us a clear understanding—not the understanding founded on a neutral zone, but an understanding the result of frankness and firmness. Russia knows full well there is no reason why we should view the natural development of her Empire in Asia with jealousy so long as it is clearly made aware by the Government of this country that we are resolved to maintain and strengthen both materially and morally our Indian Empire, and not merely do that, but also uphold our legitimate influence in the East. Russia, so far as I have had any influence in the conduct of our affairs, has been

made perfectly aware of those views, and not only that, but they have thought them consistent with a good understanding between the two countries. I believe, indeed, that at no time has there been a better understanding between the Courts of St. James and St. Petersburg than at the present moment; and there is this good understanding because our policy is a clear and a frank policy. The observations which I made the other night some wise men of Gotham described as singularly indiscreet, and a wiser man this evening says he regards them as a direct menace to Russia; but those observations express the unanimous opinions of an united Cabinet, and those opinions have been some time ago conveyed in clear language by my noble Friend the Secretary of State to the Representative of Russia in this country, and I say without hesitation that it is only by that frank expression of our views that a good understanding between the two Empires can be maintained. But there is another way in which our affairs may be conducted. There is another way of viewing everything which is done by Russia in Asia. We may look upon it with silent suspicion; and if a circumstance occurs which is disagreeable to us, there may be a good deal of growling and grumbling without ever acting. The country may be suddenly surprised at finding that Russia has taken a course which it thinks dangerous and unprecedented because there has been no frank explanation between the two Empires as to the temper and mode in which their mutual relations are to be carried on. Now, far from looking forward with alarm to the development of the power of Russia in Central Asia, I see no reason why she should not conquer Tartary any more than why England should not have conquered India. I only wish that the people of Tartary may gain as much advantage by being conquered by Russia as the people of India from being conquered by this country. I must take this opportunity, therefore, of telling the hon. Gentleman who made this elaborate attack on the Government, because of the observations which fell from me the other day, once for all that he has totally misconceived my views, and, indeed, has I think done violence to them. There was nothing in my remarks on the occasion to which he referred which I had not

said before. They are remarks which I believe accurately describe the feeling of the present Government towards Russia in relation to India, and which I believe are calculated to preserve the good and honest understanding that exists between the two countries. As to what the hon. Gentleman said about the occasion when I made those remarks as being a trumpety occasion, I beg to inform him that is an observation which I think he had no right to make. I could quote from books written by the hon. Gentleman himself passages which show that he is deeply impressed, with all his experience, with the importance of the title which Her Majesty should assume in India, and he must be aware, though it is convenient to talk of the absurdity of putting up against the Emperor of Russia, to withstand his invasion of India, the mere empty title of the Sovereign, that human nature is influenced by associations which are connected with titles, especially in the East; and if ever there was a moment on which an apt occasion should be seized of announcing to all the races of India the deep interest which this country takes in that Empire it was that of which we availed ourselves; and that when we were speaking of Russia with that cordiality and candour which we have always addressed to Russia since we have been responsible for the conduct of affairs, we were equally resolved to maintain our Indian Empire.

MR. GRANT DUFF said, that when his Friends who sat near him occupied the opposite bench, he had on more than one occasion stated in the fullest detail their opinions and his own upon the whole question of the Russian advance in Central Asia. That being so, and their and his opinions remaining precisely the same, he thought it would be unpardonable in him to detain the House at that particular hour of the evening by going into a discussion of the general subject; but he had listened with so much astonishment to the remarks which had been made by his hon. and gallant Friend (Sir Henry Havelock), about the state of the Indian Army that he could not allow the discussion to close without putting a question on the subject to the noble Lord opposite, the Under Secretary of State for India. When he (Mr. Grant Duff) and his Friends left office some two years ago, the Indian Army was in a

state to do any duty of any kind that could possibly be thrown upon it, as well or better than at any previous period of its history. He had no means of knowing other than by the usual channels of information whether any extraordinary change had recently occurred, and he wished to ask the noble Lord the Under Secretary of State for India, whether any despatches or other information had been received at the India Office, which could lend any colour whatever to the truly alarming and astonishing account of the Indian Army which had been given by his hon. and gallant Friend? He would be extremely surprised to learn that such was the case, believing, as he did, that his hon. and gallant Friend had merely been led by a burning zeal against certain arrangements of which he disapproved to use the very strong language which he had used.

GENERAL SIR GEORGE BALFOUR said, that after the remarks made by the hon. Member for Elgin and lately Under Secretary of State for India, he could not refrain from stating that he concurred entirely with the remarks of the hon. and gallant Member for Sunderland (Sir Henry Havelock) as to the state of our Native Army in India. He had no doubt that as the Native Army was at present officered, it would, in time of peace, be found highly efficient. But in case of war the number of officers at present attached to Native infantry battalions would be quite insufficient to bear those drains which must be expected, thereby leaving the battalions without the number of officers which all our war experience proved to be essential for the efficiency of Native soldiers in the field. He wished to avail himself of the opportunity of asking when it would be made known to the Secretary of State that there were many officers who entertained grave doubts as to the efficiency of the Indian Army, so far as the number of European officers in it was concerned? It was the leading of European officers that rendered the Native soldier efficient in war. In the campaigns during the Mutiny one regiment in India was three times officered. Happily they had officers in reserve, or that Mutiny would have risen to a height that might have proved dangerous to our Indian Empire. With regard to the classes of Natives serving as soldiers to our Native Armies, he believed that their fitness for soldiers

depended mainly on the good quality and on the number of European officers. In Bengal there were often loud praises bestowed on the class of Natives serving. Before the Mutiny, the Bengal Pandys class was lauded beyond measure, now it was the Sikh who was praised. For his own part, he believed that the Sikh Army of the Punjab was as much alarmed when attacked by the Bengal soldier led by European officers, as the Mutinied soldiers were alarmed when attacked by Sikhs led by European officers. With the experience they had had in the past, it appeared to be suicidal for them to risk the safety of India by officering the Native troops with so few officers as at present allowed to the Native Army. Indeed, the whole scheme of organization was one of their greatest blunders connected with India. He (Sir George Balfour) regretted that neither the hon. Gentleman who brought forward this Motion nor any other speaker had referred to one part of the Russian aggression, and that was the dangerous aggressions by Russia into China. It was upon China that the aggression of Russia, he believed, would be made, and it was in China Russia would find the wealth which would make her dangerous to our Indian Empire; and eventually by her encroachments round the seaboard of Tartary up to the Korean Peninsula, Russia would obtain such a commanding influence over Japan and the sea coast of China as to be able to threaten and even destroy their commerce in those seas.

LORD GEORGE HAMILTON said, he had listened with regret to the observations of the hon. and gallant Gentleman opposite (Sir Henry Havelock), in which he stated that the Indian Native Army was utterly rotten, and he was much surprised to find that statement endorsed by the hon. and gallant Member for Kincardineshire (Sir George Balfour), for that hon. and gallant Gentleman had been one of a Commission upon whose report the new organization had been mainly based.

GENERAL SIR GEORGE BALFOUR explained. He denied all responsibility for the changes in the Indian Army of 1861; that those changes were ordered by Sir Charles Wood, then Secretary of State for India, on the advice of Major, now Major-General, Norman; and that all the responsibility borne

by himself (Sir George Balfour) was for aiding to draw out the regulations and plans to get a practical effect to Sir Charles Woods' instructions.

LORD GEORGE HAMILTON: Any statement coming from the hon. and gallant Gentleman opposite (Sir Henry Havelock) in that House would naturally be much considered by people in India as well as the people of England. He was happy to say that during the last few weeks a large mass of Papers had been received from India, and they did not in any way confirm, but flatly contradicted, the statement of the hon. and gallant Gentleman. The fact was this—there were two classes of officers, who differed as to the best mode of officering Native Indian regiments. Some thought it could only be done by having a large number of European officers, and there were others who thought there ought to be a certain number of European officers, to be supplemented by Native officers. This was the system which had been adopted, and, so far as they knew, with great success. The state of the Indian Army had been under the consideration of the Government; Lord Northbrook had the advantage of the advice of Lord Napier on the subject, and they came to the conclusion that no organic changes were necessary. He would conclude by quoting the words of one who was an authority on the condition of the Native Army, and those words were—"The Native regiments, in appearance, equipment, and *esprit de corps*, are simply magnificent."

SIR HENRY HAVELOCK explained, in order to avoid future misapprehension of the purport of what he had said, that he did not in any degree intend to cast any imputation upon the officers or the Indian Army as to their professional reputation or efficiency. That reputation was as dear to him as his own. He had already stated that he believed the Native Army was efficient for all requisite purposes in a time of peace, but was not equal to the strain of a time of war, and he held that what the noble Lord had said confirmed his assertion, and in no way contradicted it.

MR. BAILLIE COCHRANE said, after the straightforward reply which had fallen from the Prime Minister, he was ready to withdraw his Motion.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question proposed, "That Mr. Speaker do now leave the Chair."

BARBADOES—THE RECENT RIOTS—GOVERNOR HENNESSY.

OBSERVATIONS.

MR. CHARLEY, who had a Notice upon the Paper that he would call attention to the proceedings of His Excellency the Governor of the Windward Islands (Mr. John Pope Hennessy) in reference to the Island of Barbadoes, and move an Address for the following Papers:—

"Copies of speeches of His Excellency the Governor of the Windward Islands (Mr. John Pope Hennessy) to the Council and the House of Assembly of Barbadoes on the 23rd day of November 1875, and the 3rd day of March 1875; of the answers of the Council and the House of Assembly thereto; of the Replies of His Excellency the Governor of the Windward Islands to the answers to his Speech of the 3rd day of March 1876; of the Message of His Excellency the Governor of the Windward Islands to the House of Assembly of Barbadoes dated the 18th day of January 1876, and Reply of the House of Assembly thereto; and, of the despatch of the Earl of Carnarvon to His Excellency the Governor of the Windward Islands, dated the 28th day of January 1876,"

said, that when he gave Notice a month previous that he would call attention to the proceedings of Mr. Hennessy in Barbadoes, the telegrams, which had excited so much alarm, had not reached this country. His object was to take a calm and dispassionate review of the course adopted by Mr. Hennessy to carry out the policy of Confederation, a course, in his judgment, most impolitic, and which, in a few days, he might almost say hours, had rendered that policy odious in the eyes of the Legislature of the island. If there were good grounds for calling attention to the proceedings of Mr. Hennessy a month ago, there were still stronger grounds for calling attention to them now, when those proceedings had been followed by riot and bloodshed. Mr. Hennessy assumed the Governorship of the island under peculiarly favourable circumstances, his predecessor—Lieutenant Governor Freeling—having retired under a cloud of unpopularity, on account of his suddenly dissolving the House of Assembly on the question of

General Sir George Balfour

the validity of a Member's election—a question on which all Representative Bodies were peculiarly sensitive. On the 23rd of November last Mr. Hennessy received quite an ovation when he opened the Legislative Session of the island after the General Election, in a speech which was described by the local journals as “manly, independent, and well-timed.” He spoke of the Legislative Bodies as being “intelligent and patriotic,” and congratulated them on the extraordinary aptitude for business which they had displayed during the previous short Session. He concluded his address with these remarkable words—

“In an old and contented community like this, I believe that a Governor should not under-rate local experience, that he should not lightly disregard the Conservative spirit of local traditions, that he should take ample time to form his own opinion, independently of the influences of class, creed, or colour; and, above all, that he should scrupulously respect the constitutional rights and privileges of the local Legislature.”

Both Chambers delivered Addresses in reply to the Speech, thanking the Governor for the terms in which he addressed them. The House of Assembly said that the Governor would receive from the House the most emphatic and cordial acknowledgments. The House of Assembly rejoiced that His Excellency “recognized so distinctly the essential importance of paying a studied regard to local circumstances and local history in conducting the government of the country.” In order to clear up the existing situation, it was necessary to refer very briefly to the constitutional history of the island. Barbadoes was one of the few West Indian Islands which was taken possession of by Europeans without bloodshed. It became ours by first occupation. When in 1605 an English colony first landed there and proclaimed James I. as owner of the island there were no inhabitants upon it; it was not, however, until 1625 that the island was permanently colonized by the English and the first Governor was elected. In 1627 Charles I. conferred patent rights upon the Earl of Carlisle over the island, and the patent expressly provided that the consent of the inhabitants should be necessary to the enacting of laws, and that these laws should be in conformity with the laws of England. In 1645 the island possessed the same constitution that it now had. In 1649 the slaves secretly conspired to massacre all

the White inhabitants and make themselves masters of the island. The conspiracy was only disclosed at the last moment, through the fidelity of a slave to his master. Notwithstanding this untoward event, the island progressed in prosperity and in wealth, and its fame spread over Europe. In 1650, the English Parliament declared that all trade should cease between Barbadoes and foreign countries. The Legislature of the island indignantly protested against this, and said that they would adhere to freedom of commerce. “Shall we be bound,” they said, “by the Government and Lordships of a Parliament, in which we have no Representatives?” and they concluded by declaring that they “would rather choose a noble death than forsake their old liberties and privileges.” In 1651 Sir George Askew appeared off the island with a fleet and demanded its surrender to the Commonwealth. Lord Willoughby, once a Parliamentarian, but who then adhered to the Royal cause, was Governor of the island. He made a stout resistance, but owing to the disaffection of some of his officers the Parliamentary forces effected a lodgment in the island. Articles of capitulation were signed, which did infinite credit to both parties. They had ever since constituted the Magna Charta of Badian liberties. Some of the passages, indeed, followed almost literally the great Charter of England—

“That no man shall be imprisoned or put out of the possession of lands and tenements or of goods and chattels without due proceedings, according to the known laws of England and the statutes and customs of this island in the Courts of Justice here first had, and judgment for the same obtained, and execution thence awarded.”

Clause 1 guaranteed that there should be liberty of conscience; Clause 3 laid down the principle that there should be no taxation without representation; Clause 9 was in favour of freedom of commerce; and free emigration was guaranteed by Clause 11. Clause 19 declared that “the Government of the island” should be “by a Governor, Council, and Assembly, according to the ancient and usual custom” there; and it was declared that the Assembly should be “chosen by a free and voluntary election of the freeholders in the several parishes.” In 1660 the Legislature of the island passed an Act limiting the duration of the Assembly to one year, and it had ever since been elected annually. In 1672 it

was made imperative on the Governor to transmit to England all laws for the Royal approbation or rejection. Every person who paid parochial taxes for two years to the amount of £5 (equal to £3 6s. sterling) was entitled to the franchise; and more than half of the electoral body consisted of coloured persons and negroes, who were small freeholders. The managers of many large estates, on the other hand, were unenfranchised. The Legislative Council, in returning thanks to the Governor, referred to the various institutions of the island—"for the alleviation of suffering," the "administration of justice," the "punishment and repression of crime," the "preservation of peace and order," and the "education of the young." There were institutions for the alleviation of distress, such as the general hospital at Bridgetown, to which the colony contributed £6,630 per annum; a lazaretto, a lunatic asylum, and lighthouses to prevent shipwrecks on the coral reefs, by which the island was surrounded. For the punishment and repression of crime and the administration of justice there were six stipendiary magistrates, who had civil and criminal jurisdiction, and the verdict of a jury was necessary where cases were sent for trial. A summons in a civil case cost 1s., in a criminal case nothing. The negro population was fond of going to law. If the manager of a sugar plantation boxed the ears of a negro, he would be liable to an action of assault within 24 hours. A negro, on a summary conviction by a stipendiary magistrate, had an immediate right of appeal on the law and facts: first to a Court of Appeal, composed of three Judges; and, secondly, to the Chief Justice of the island; and was thus in a better position than an English workman. All decisions, moreover, were sent, each fortnight, to the Court of Appeal, who re-considered them in the interests of the prisoners and suitors. For the "preservation of peace and order" there was a police force, which was established in 1855, and consisted of 250 men, and the island was the chief military station in the West Indies. The population was very dense, there being no fewer than 1,000 persons to the square mile; but that led to this—that every negro who wished to live must work, and therefore the capabilities of the soil were developed to the utmost extent. The

island had the appearance of a well-kept garden. The exports in 1874 amounted to £1,140,000, whilst the imports were £1,040,000, this being nearly equal to the imports and exports of all the rest of the Windward Islands put together. The public debt of Grenada was £7,000, and that of St. Lucia, £15,000; but Barbadoes had no public debt at all. Provisions were extremely cheap, costing only a moiety of what they cost in the Leeward Islands. A shilling in Barbadoes went as far as two shillings in Demarara. Every facility was offered for emigration; but there being plenty of work and cheap provisions, the number of immigrants was larger than the number of emigrants. With regard to "the education of the young," there were 162 primary and infant schools, in which there was payment by results, the average attendance of children being 1 in 18 of the whole population; and there were also two Colleges with University men as masters, and a collegiate grammar school. He thought that the Legislative Council might justly feel proud of the institutions of their little island, which was only about as large as the Isle of Wight. He would now turn to the other and less pleasant side of the medal, to Mr. Pope Hennessy's proceedings during the present year. The first document he asked for was the Message which the Governor sent to the Assembly on the 18th January last. In that Message he made no direct allusion to Confederation. He simply called on the House of Assembly to pass measures the practical effect of which would be to throw open the various institutions of Barbadoes to the inhabitants of the whole of the Windward Islands. The Assembly saw that the proposal meant Confederation, although the word was not used by Mr. Hennessy, and they made a "spontaneous request" that no such proposal should be pressed on them. They said that they had no power to legislate for the other islands, and they had no intention to become part of a Federation. The next document of importance which he moved for was the despatch of the Earl of Carnarvon dated the 28th January last. This document did infinite credit to the statesmanship of Lord Carnarvon, being of a thoroughly constitutional character throughout. In it the noble Lord, while advancing reasons in favour of Confederation, said

that "Her Majesty's Government would take no steps towards Confederation except at the spontaneous request of each Legislature concerned," and that he "did not desire to press that question on the reluctant consideration of the colonists, as it was a proposal which should proceed from their own sense of what was right." That despatch was communicated by Mr. Hennessy to the House of Assembly on the 2nd of March, he being at the time aware that they had spontaneously protested against Confederation.. On the following day, however, he delivered a speech in the Council Chamber to the two Houses of the Legislature, the Chamber being filled on that occasion with a number of roughs, some without jackets, and some even, he had been told, without trousers. These persons interrupted the proceedings with their applause at various passages of the speech. Mr. Hennessy skilfully began his address by referring to the Sugar Convention of 1864, which the planters considered pressed heavily upon them, and held out hopes to them that their grievances would be removed. That pleased the planters; but he went on to say that notwithstanding these difficulties, the planters and manufacturers were prosperous and rich. Then suddenly turning round on the two chambers of the Legislature he rebuked them for neglecting the poor of the island—"the people" as he called them. Speaking of "the people," as something distinct from the "other classes," he said they were "discontented," although in his first speech at Barbadoes he spoke of it as "an old and contented community." He went on to say that vagrancy and crime prevailed in the island, and practically he laid the blame of this upon the Assembly. He said that the lowering of taxation and an abundance of employment would follow from the panacea which he presented to them and which was Confederation. Having in his first speech spoken of the Legislature as "intelligent and patriotic," and the House of Assembly having presented to him a "spontaneous request" against Confederation, Mr. Hennessy concluded his speech with these words, which had been styled by a London periodical "perilously direct"—

"I feel confident that no intelligent person who loves Barbadoes will take the serious respon-

sibility of standing between his poorer countrymen and the wise policy of the British Government"—

thus holding up the House of Assembly, which had protested against Confederation, to the execration of the population. At that moment all the year's wealth of the planters was wasting in the fields. Incendiary fires immediately broke out in all parts of the island, causing great destruction of property. Riots and bloodshed followed. All this was distinctly traceable to the inflammatory language of the Governor. The House of Assembly, in their reply to this second speech, said that the rate of wages depended upon economic laws, altogether "beyond the control of any legislation;" and that the best thing for trade was to let it alone—to leave it "free and unfettered." Taxation in the island was only at the rate of 18s. 6d. a-head, while in British Guinea it was £3 8s. 4d. a-head, and in Trinidad £2 4s. 10d. a-head. The great mass of the labouring population was exempt from "parochial"—that was, local—taxation. The lowest fiscal duties possible were imposed on imported articles in ordinary use by the masses. Facilities were afforded for emigration to those who could not obtain employment in the island. There had been a Commission sitting on the subject of the education of the children of the people before Mr. Hennessy's arrival, and "the House of Assembly would gladly accord to its recommendations a favourable consideration." The criminal statistics of the colony could bear favourable comparison with those of any other colony. They pointed to the Leeward Islands as a proof that Confederation did not mean social and material improvement, and they pointed with gratitude to the constitutional utterances of Lord Carnarvon, that—

"the Government could not proceed with any measure of Confederation, except at the spontaneous request of the Legislature." "Barbadoes," they added, "it is true, is a small colony, but for upwards of 200 years, as the House of Assembly must be excused for again reminding your Excellency, it has enjoyed representative government, and on that account alone it is entitled to the same respect for its constitutional rights as the most favoured possessions of the Crown. And the House of Assembly entertain a solemn conviction that the Secretary of State and the English people would strongly deprecate any attempt to carry a measure of Confederation in these islands by setting class against

class, or by arousing a spirit of discontent and rebellion in this ancient and loyal, and withal peaceful and contented colony."

Captain NOLAN, rising to Order, asked the Speaker, whether the hon. and learned Gentleman was not transgressing the Rules of the House in reading long extracts from the newspapers?

Mr. SPEAKER said, he understood the hon. and learned Gentleman to be quoting from official documents.

Mr. CHARLEY said, he had been reading extracts from the records of what passed between the Governor and the Assembly. The language used by the Governor in addressing the Legislature had in some other respects been imprudent and unconstitutional. He took occasion, for instance, in the course of his rejoinder to the Assembly, to tell them that he could not give his assent to the Prisons Bill before that Bill had yet passed. He further told them that Confederation would "come about by the initiative of 'the people' themselves." The Legislative Council, in their reply, having quoted a statement of Earl Granville in the House of Lords, to the effect that "a colony having representative institutions, though it may be a small one, should be as punctiliously treated as the largest of the colonies," Mr. Hennessy, in his rejoinder, said—

"You refer to a recent debate in the House of Lords, and quote a few words from the speech of the Leader of the Opposition (Earl Granville)." The sentence you quote may lead to misconception, even if it were imagined that his Lordship was speaking of representative institutions connected with the Legislatures of the Windward Islands. It is better to terminate at once any allusion you may have as to the views of a prominent and influential man."

thus trying to cut off all hope of success from England. The Chamber of Commerce of the island were desirous of presenting an address against Confederation. Mr. Hennessy refused to receive it. In so they referred to the fact that the word "had" had been used in the papers, and they pointed out that that was done under instructions from Lord Carnarvon, and that the Government were bound by the Executive Government. They proposed to send an address to the Government, and to send it free of charge, and to the people of the island. The Government would not receive it. The Government would not receive it. The Government would not receive it.

been taken, and that 40 persons had been shot, had been denounced as highly coloured; but Mr. Hennessy himself, in answer to a telegram from Lord Carnarvon requiring definite information on the subject, stated that the number of prisoners taken actually plundering was 90, and of those apprehended afterwards on suspicion of rioting and of having received stolen goods 320, making a total of 410 prisoners; and that the number of killed was 1, of those who had died of their wounds 2, and of those who had been wounded 16; making a total of at least 19 persons shot. Mr. Hennessy, in his earlier telegram, stated that "the troops had not fired a shot," but in a later one he admitted that the police had fired twice—statements involving at least a sort of mental reservation on the part of Mr. Hennessy. He thought he had clearly shown by the State documents he had cited that the conduct of the Governor of the Windward Islands had been wanting in tact, and was calculated to bring representative institutions into contempt. He had brought forward this subject at the present time because delays were proverbially dangerous, and because Mr. Hennessy showed no disposition to depart from the unconstitutional course he had adopted of forcing the Legislature of Barbadoes to assent to Confederation, in distinct violation of the promise given by Lord Carnarvon that the Confederation should only be brought about on the spontaneous request of the local Legislation. He was informed that Mr. Hennessy had actually threatened to dissolve the Legislature if they petitioned for his removal. He did not ask for Mr. Hennessy's recall, but he trusted the Government would lose no time in interfering in the matter. He had been pressed on a former occasion by a Lagos merchant, a leading constituent of his, to call the attention of the House to Mr. Hennessy's proceedings on the Gold Coast, and he had refused to do so on the ground that Mr. Hennessy, when in that House, had acted with the Party to which he belonged; he now regretted that refusal, because, in the opinion of many well-informed persons, the proceedings of Mr. Hennessy on the Gold Coast largely amounted to being about the Ashantee War.

Lord FREDERICK CAVENDISH regretted that the House had been called

upon to discuss that important subject without full and adequate information, and he was disinclined to follow the hon. and learned Member for Salford (Mr. Charley). But, knowing personally something about the island, and having been privately informed of the present state of excitement there, he was able to say something about it, and he was glad it was so, for it would be productive of mischief to allow the strong and one-sided speech of the hon. and learned Member to pass with only an official answer. The hon. and learned Gentleman, in stating that the constitution of Barbadoes was the same now as it was 200 or 300 years ago, must have forgotten that a considerable change had of late years taken place there. The constitution of the past might have been considered satisfactory in the days of slavery, but it was unfitted to the days of freedom. He was not so satisfied as the hon. and learned Gentleman with the condition of the people of Barbadoes, and the ministers of religion there stated emphatically that they never saw a community in which there existed such intense and apparently hopeless poverty as in Barbadoes, and where the people were so ignorant. It was said that the agitation had been caused by the ill-advised proceedings of the Governor. Well, he was not there to defend Mr. Pope Hennessy, for his defence naturally rested with Her Majesty's Government. Be that as it might, however, he believed Mr. Hennessy was not even the chief, much less the sole, cause of the agitation that had taken place in the island, because months before Mr. Pope Hennessy arrived in the island considerable agitation existed there upon this question of Confederation. One of the largest landowners in the island and the last and present Governors were in favour of Confederation. The excitement was so great about it that it was stated that the result would be the imposition of a poll-tax, and that the negroes would be again reduced to slavery, and the popular feeling was so strong that the life of the gentleman he had referred to was in jeopardy. When Mr. Pope Hennessy arrived, he, in obedience to instructions received from the Colonial Secretary, laid the Earl of Kimberley's and the Earl of Carnarvon's despatches before the Assembly at the same time—the Earl of Carnarvon having adopted the

views of his predecessor in office. He did not believe that Mr. Pope Hennessy was responsible for the popular agitation that existed, but the opponents of Confederation, who had formed themselves into a Defence Association and summoned meetings in all parts of the island by calling upon the inhabitants to "Come one; come all—no Confederation!" That excited the people, which it was neither wise nor prudent to do, for the result was the disturbances which they all deplored. The people, however, found that they had been deceived by agitators, and that the scheme of Confederation, if adopted, would tend to lighten taxation and also to improve the administration of justice. Immediately after Mr. Pope Hennessy had delivered his speech to the Assembly a dead set was made at him, the opponents of Confederation being determined that he should be re-called for carrying out the Earl of Carnarvon's instructions. One newspaper, *The Barbadoes Agricultural Reporter*, characterized the Governor as a political firebrand, under whom there could be no peace, and who must be quenched, and also spoke of the West India islands as communities which, in time of war, so far from uniting for purposes of defence, would be happy to be captured by any foreign Power from which they might hope to receive justice. The Barbadoes Defence Association he had before referred to afterwards endorsed, through their secretary, the sentiments expressed in that newspaper by thanking it for its support of their cause. He could not help thinking that testimonials from the Press of that character threw a little light upon the deputation to the Colonial Office a few days ago, and showed that the excitement which had arisen in the island was not confined to one section of the inhabitants only, but that the White population had equally lost their heads with the negroes. Whatever course the Home Government might think fit to adopt, he hoped they would stand by the policy of Confederation—a policy essential to the welfare of those islands, which, though rich in natural resources, were too small separately to provide the means of good government, and ought for that purpose to be united together. It had been the opinion of successive Secretaries of the Colonies, and a large number of the inhabitants of these

islands had proposed, that there should be a confederation of the islands, and nothing could be more dangerous to society in Barbadoes than that what should be declared by successive Governments to be for the benefit of those islands and by the population to be necessary should be stopped by a small oligarchy. It had been proposed by Governor Hennessy to make no change as regarded the Constitution of Barbadoes, but things had now reached that point at which the scheme of Confederation must either be given up or that Constitution must be altered.

MR. THORNHILL said, that as an owner of land in Barbadoes, he wished to make a few remarks. He was able to state that up to the time of Mr. Pope Hennessy going there the island was in a flourishing condition, but it was now in an unsettled and unsatisfactory condition. It was unfortunate that these disturbances should have taken place at a period of the year when the sugar crop, which was valued at £1,000,000, was being got in. The negroes of Barbadoes could not be so dissatisfied and discontented, because emigration agents had been trying for some time to induce them to emigrate to Demerara, Trinidad, and other adjacent places where there was a want of labour, and those negroes who had gone there had returned again to Barbadoes, showing that they were not dissatisfied with their wages and their position in that island. The negroes, unfortunately, could not be got to work longer than was necessary to earn enough to live upon, which they could do in three or four days a-week. In Barbadoes, as in England, large bodies of the working population were very ignorant; but there was a school on the average for every square mile in the island—a fact which showed that education was not so much neglected there as some alleged. It was said that although 3 persons had been killed and 16 wounded, the riots could not be called serious, because they had been quelled by the police without the action of the troops. But it should be said that the police in Barbadoes were armed with rifles, and were soldiers in everything except the name. He (Mr. Thornhill) had heard that a telegram was read yesterday, stating that the Assembly had resolved upon an Address to the Crown, asking Her Majesty to remove Governor

Hennessy; and that he, in return, had stated that he would dissolve the House. If that were true, it would show that dissensions and disturbances were still going on, and that they were likely to continue, unless the Home Government took some action. That was a reason why an inquiry was wanted now instead of waiting for proofs. A statement had been made that nine-tenths of the coloured population were in favour of confederation; but he (Mr. Thornhill) could not credit that, because Mr. Reeves, the Solicitor General, who had resigned because he could not agree with the views of Mr. Pope Hennessy, was a coloured gentleman, and there was good reason for believing that the coloured people were as much opposed to it as the White inhabitants of the island. He trusted that after what had occurred the noble Lord the Secretary of State for the Colonies would abandon the policy of confederation as far as Barbadoes was concerned, and that he would give the colony back its old Executive Council which it had had since 1652. He thought it would be most unjust to remove Mr. Pope Hennessy from his present post on a mere telegram; but he must say that until pressed by the Secretary of State, the telegrams which he had sent were as scant and understated as the private telegrams could have been overstated and exaggerated. The Secretary for the Colonies had said that he would not force confederation on the islands, but that it must come from the spontaneous action of the Legislatures. Here, however, was a Governor who went about touting for confederation. Surely that could not be considered "spontaneous action," and he hoped such conduct would not receive the support of Her Majesty's Government. It would be most unjust, he admitted, to remove Mr. Hennessy without giving him an opportunity of defending himself; but as it was evident that Mr. Hennessy had brought on those disturbances by the injudicious and hasty manner in which he had sought to promote confederation, it would be for Her Majesty's Government to give the matter their most serious consideration, as it would be most difficult after what had occurred to restore good feeling between the Governor and a large proportion of the inhabitants of the island.

MR. GOSCHEN put it to the House whether they were in a position to con-

tinue a discussion upon the conduct of Governor Hennesy and of the question until the Papers had been presented to Parliament. He wished to abstain from giving any opinion, either on the conduct of the Governor, or on the merits of the case; and he simply wished to state that he had received communications from the Chairman and deputy Chairman of the West India Committee, who had been active in the matter, that they entirely shared in the view that it would be premature and unjust to all the interests concerned if, in the present state of the question, there should be opinions formed by the House of Commons. They felt that it would be most improper to endeavour to elicit any opinion from the House of Commons as to the conduct of the Governor in the present state of the information before it. That there had been political and social agitation in the colony, and changes in the Constitution, both actual and contemplated, they had no doubt, and under those circumstances they considered that it was their duty to communicate to the Colonial Office the telegrams which they received. The information which they received induced them to believe that matters were sufficiently serious for the duty of restoring peace and order to be placed in the hands of one who was not connected with the local political questions which had produced the agitation; but they wished him to state in the House of Commons and to the Colonial authorities that they regretted that it should for one moment have been supposed that they wished and asked for the recall of the Governor without his having the opportunity of offering an explanation. For such explanation they understood Lord Carnarvon had telegraphed, and the West Indian Committee considered that in the meantime the matter had better be left in his hands. Under the circumstances, he hoped the debate would not be continued.

MR. E. JENKINS agreed with the right hon. Gentleman that it would not be desirable in the present state of their information to prolong the discussion. He wished to say, however, that he considered that the hon. and learned Gentleman who had introduced the subject (Mr. Charley) had in the hour which his speech had occupied done great injustice to the Governor, whose career at its outset it was attempted to

destroy. Mr. Pope Hennesy was neither a political nor personal friend of his, but he was aware of a number of circumstances which would mitigate, if it was required, any judgment pronounced upon his conduct. He thought it somewhat hard upon the Governor that he should be attacked in that House by his own political Friends on incomplete and one-sided information.

MR. GREENE said, he did not wish the debate should be prolonged, but he thought his hon. and learned Friend was justified in what he had done, seeing that his statements were founded on official documents. He hoped Her Majesty's Government would re-consider the policy of confederation.

MR. J. LOWTHER said, the House would readily understand the difficulty which he felt in entering into any lengthened explanation with regard to the affairs which had been brought under the notice of the House. He could not join in attaching any blame to his hon. and learned Friend the Member for Salford (Mr. Charley) for having drawn the attention of the House to the subject, for the language which he employed did not lay him open to any animadversion. As far as he understood the case, his hon. and learned Friend had alleged that agitation was still being carried on at the instance of the Governor, and if the hon. and learned Gentleman believed that to be the case he was fully justified in bringing the subject under the notice of the House; but he (Mr. Lowther) believed there was no foundation for the statement. The House had heard from the hon. and learned Gentleman and other speakers reference to the subject of confederation, a subject which no doubt had been the cause of the present excitement. It was frankly admitted by his hon. and learned Friend, and also by others, that on this question of confederation there had been no divergence of opinion between successive Colonial Secretaries. The despatches of Lord Granville, Lord Kimberley, and his noble Friend now at the head of the Colonial Office had coincided in recommending a scheme of confederation to the earnest attention of the Legislature of Barbadoes. Lord Carnarvon also stated distinctly his opinion that any scheme of confederation which should be submitted to the Legislature should be left to their own spontaneous action,

and that he could be no party to the forcing on of such a policy contrary to the wishes of the Legislature. This despatch had already been cited and need not be repeated; but to show that this guiding principle had not been lost sight of during the last few weeks, he would quote the following despatch from Lord Carnarvon to Governor Hennessy:—

“Representations coming from many quarters as to the great and alarming excitement arising from Confederation, such as burning of canes, &c., make me anxious. Telegraph whether there is any truth in the reports. You must clearly understand that no scheme can be forced on the Colony, and you must exercise the greatest caution to prevent political agitation among the native population.”

That telegram was sent in consequence of allegations to the effect that the Governor was personally conducting the agitation contrary to the distinct injunction contained in the despatch previously quoted. This brought him to a delicate part of the subject, the alleged individual action of the Governor with regard to the agitation; and he confessed that, if he felt there was any truth in it, he should experience the greatest difficulty in defending the conduct of the Governor. He could not bring himself to think that, with the distinct injunction of the Secretary of State before him, in addition to the ordinary feelings which should actuate a person occupying so high and important a position, the Governor could in any way have lent himself to such a proceeding. In consequence of renewed representations made from the West India Committee, another telegram was sent to the Governor—

“Fresh statements made to me to-day of very serious riot at Prospect plantation. Death of one man, wounding of others; apprehension of dangerous disturbances through alleged Government agitation. I have permitted and can sanction no such agitation, and I trust statement is wholly unfounded. Telegraph immediately true facts of case and what steps taken.”

The Governor replied in the course of a long telegram—

“From the first I have prevented agitation or meetings in favour of Confederation. I only allow meetings against it, not wishing to coerce the free action of those opposed.”

Another telegram contained the assurance of the Governor of Barbadoes that neither the action of the local Government nor the protective action of Her Majesty's Government had been made use of in favour of agitation. This

showed that Governor Hennessy was well aware of the views of the Colonial Office and expressed his intention to act accordingly. In another telegram his noble Friend said—

“Urge earnestly on all parties to cease from political agitation, for which there is no justification after my despatch, and which must be put down firmly for this very reason.”

That showed that, so far as the Government were concerned, and so far as they had every assurance from the Governor of Barbadoes, the action either of the local Government, or the reflected action of Her Majesty's Government, had in no way been made use of in favour of agitation on the subject. At any time and under any circumstances he, for one, should deeply regret attempts to coerce the free and independent action of any Legislative Assembly. Members of that House, upon whatever side they sat, would join him in deprecating any such action; and he could only say that if a policy of confederation did not commend itself to the Legislature of Barbadoes, it was a result which he should regret, but it would be the duty of Her Majesty's Government to bow to the decision. With regard to the statement that the Governor had made indiscreet speeches to the Assembly, it certainly was a matter of serious consideration for any Governor, addressing a Legislature, as to what language he might or might not rightly adopt, according to circumstances. The language which had been quoted certainly required explanation. Without expressing any opinion upon it, he would simply inform the House that the special attention of the Governor had been drawn to certain passages in his speech, and that he had been invited to give a full and complete explanation of the circumstances attending their use. As to any disorderly scene in the Assembly during the delivery of the speech, he had no information to guide him upon the subject. He had seen the rumours to which reference had been made; but he was not aware what were the regulations with respect to the admission of strangers into the Assembly. It was possible that some of them had not conducted themselves with perfect decorum. At any rate, whatever the facts were, he could hardly think that the Governor could be held personally responsible for the admission of the strangers who were said to have created a dis-

turbance. And he could not help remembering that the Assembly of Barbadoes was not the only legislative body in the world which had found the question of the admission of strangers one of difficulty. Then it was said that an invidious use had been made by the Governor of the word "people," as applied to only one class of the people. It was impossible to speak on this point without the explanations which had been requested, and would, in due time, he trusted, arrive from the Governor. A far more serious branch of the question was the allegation put forward on the authority of a most respectable and influential body—the West India Committee—that the Governor was personally conducting agitation. It was only fair to say that, so far, he had heard no confirmation of this very serious accusation, and to point out that appeals had for some time previously been made to the inflammatory population of Barbadoes by the very persons who now complained of such appeals. He confessed that he was alarmed on hearing that any appeals whatever had been made to so excitable a population. The negroes of Barbadoes were scarcely an audience to which very passionate appeals should be made; and this made him wonder that persons who were interested in the preservation of property in the island—the planters and estate agents—should so address this highly inflammatory element. It had been stated that, in the course of his speech in the Legislature, to which exception had been taken, the Governor alluded to the condition of the public institutions in the island, including gaols and hospitals. The Governor did not appear to have exceeded his duty in that respect, for he seemed to have simply drawn the serious attention of the Legislature to the state of those institutions. As to the rate of wages, which was also alluded to in the Governor's speech, he must remind the House that the population of Barbadoes was a dense one; and that it appeared to be one of the few West India islands in which the people would condescend to work to any great extent. He could not assent to the doctrine that because wages were low, it would of necessity be an act of kindness to the labouring classes to raise them to any great extent. The modern panacea for almost all ills was high

wages; but recent experience in this country showed that high wages did not invariably redound to the advantage of a community. On this point, also, however, it would be well to wait for further information before the House came to any conclusion. In a mixed community like Barbadoes, where the Black portion of the community outnumbered the White, it was only natural that panics should from time to time arise, and it was impossible perhaps for people at a distance to avoid forming strong opinions on one or the other side. Some could not avoid giving expression to their natural sympathy for men of their own race surrounded by a ferocious negro mob, while there were others whose proclivities always led to their constituting themselves the champions of the inferior race under all circumstances and conditions; but a Member of Her Majesty's Government as such could allow himself to have no sympathies, and it had always been the policy of Her Majesty's Government to study the wants and requirements of all classes, sections, and interests, without distinction of race, colour, or creed; and on this, as on all occasions, it was desirable that the Government should say nothing which could in any way be converted into a feeling of special or undue leaning to one section of the population at the expense of the other. The difficulties of a Governor in such a colony could hardly be overrated, for he had to display impartiality in every action of life. On previous occasions Governors who had adopted a line which might have been approved by the ruling race had been persecuted by those who differed from them. It was our duty here to consider dispassionately the difficulties in which a Governor was placed and to say nothing which could add to his embarrassment. Since these difficulties had arisen Mr. Hennessy had pursued a conciliatory line in regard to those who differed from him, naming a distinguished opponent of Confederation as President of the Council, and allowing the Solicitor General to vote against the scheme. Mr. Hennessy once occupied a honourable position in this House, and was generally looked upon as a rising Member, and he transferred his services to his country to another sphere. While it was the duty of the Government fully to consider the serious charges which

had been brought against him, he was as yet fully entitled to the benefit of any doubt. The House would be glad to hear that, so far as the last advices went, Her Majesty's Government had reason to hope that there was no cause to fear any further alarm respecting the preservation of order. The latest telegrams, from official and private sources, made no allusion whatever to any form of disturbance; and he trusted that these unhappy circumstances might be considered at an end. The force at the disposal of the authorities was some 600 strong, a large proportion of whom were Whites, which, in an island of about the size of the Isle of Wight, was a considerable force. Besides that, there was within reach a very large contingent in the neighbouring islands. His hon. Friend the Member for West Suffolk (Mr. Thornhill), whom he must congratulate upon the success of his first speech, alluded to a telegram stating that the Governor had threatened a dissolution if the Assembly adopted a petition to the Home Government; but it was impossible to conceive that a Colonial Governor would do anything so unconstitutional. In conclusion, he might state that the Papers which the hon. and learned Member asked for would be included in others now in course of preparation, and the whole would, he hoped, be in the hands of hon. Members without unnecessary delay. Under the circumstances, he had no doubt that the hon. and learned Member would not press his Motion.

SIR GEORGE CAMPBELL said, that from the little information which had been given to the House there was not reason to suppose that Governor Hennessy had failed in his duty. He saw, however, one thing to which he must take exception. Mr. Hennessy declared that he had not permitted any meetings in favour of Confederation, but had permitted meetings against it. That appeared to him to be a very one-sided proceeding, and he hoped it would not be sanctioned by the Government. Nothing could be more difficult than to hold the balance equally between the White and Black races, where their interests were to some degree antagonistic. It had been said that a Governor who took the part of the whites was subjected to malignant persecution in this country. He knew of no instance of that kind,

but thought the case was exactly the reverse. Whenever Governors passed laws that pressed hardly on the coloured population, they were loudly praised by the local Press and promoted; whereas the Governors who took the side of the Black population had had islands made too hot to hold them, and were obliged to resign. The hon. and learned Gentleman who had introduced the Motion (Mr. Charley) had spoken of the Constitution which had been given to Barbadoes, and which conferred on the people the right of self-government. But who were the people? What was the population of the island which exercised this right of self-government? It was what might be called a planter oligarchy. It had been stated, and it had not been denied, that those persons who had the whole control of the Government consisted of 1,300, out of a population of 160,000. Could there be a more patent case of an oligarchy, and was not this Constitution similar to that which it had been found necessary to abrogate in Jamaica? Under these circumstances, the position of a Governor who had impartially to administer justice to all classes was one of the greatest difficulty; and it seemed to him, he must confess, highly improbable that a gentleman of Mr. Hennessy's acknowledged ability should have committed the imprudences which were laid to his charge, or that he should be unable to give good reasons for the course which he had pursued. As matters stood, it might be found necessary that reforms in Barbadoes should come from pressure from without, for it was, in his opinion, extremely doubtful whether its present Legislature could carry them from within, and he hoped, therefore, the Government would hold themselves free to correct any faults in the Constitution which might exist there with the support of that House, so that equal justice might be secured to all the inhabitants of the island.

SIR GEORGE BOWYER, as a personal friend of Mr. Hennessy's, wished to say a few words. That hon. Gentleman, who, when he entered the House, was a very young man, was entrusted with the conduct of many important subjects, and had earned the highest opinion from all Members for the judgment, moderation, and tact with which he took part in the debates. He (Sir

George Bowyer) was certain that when full information as to recent occurrences in Barbadoes reached this country it would be found that he was justified in the course which he had taken. He regretted, he might add, that the subject had been brought before the House at all, because what fell from hon. Members in debate was not confined within the walls of the House, nor even within the limits of the country, but went forth to distant places where matters were not so well understood and where frequently a bad effect was produced. When Party spirit ran high, nothing could be more dangerous than debate on imperfect materials; and he was afraid that when the report of this discussion was read in the colony, the difficulties of the Governor would be greatly increased. There had been examples lately of speeches made of a most mischievous description calculated to lead to the worst results when they came to be translated into the native language of one of our great Dependencies, and when a colony happened to be in a position of difficulty nothing could, in his opinion, be more inconvenient than that the subject should be discussed by the House with imperfect information, and on the faith of contradictory telegrams calculated to mislead. He trusted a generous interpretation would be put on the acts of the Governor, who he had no doubt whatever had acted for the honour of the Crown and the safety of the Dependency which was committed to his care.

MAGISTRATES (IRELAND)—SPEECH
AT AN ORANGE MEETING.

QUESTION. OBSERVATIONS.

MR. FAY, in rising to call attention to the report which has appeared in *The Freeman's Journal* of the 9th of December last of a speech delivered at a public meeting of Orangemen in the city of Dublin by Captain Barton, a Deputy Lieutenant and Justice of the Peace for the county of Fermanagh, and to ask the Chief Secretary for Ireland, Whether any steps have been taken by the Lord Lieutenant or the Lord Chancellor to ascertain the correctness of that report; and, whether it is intended to take any notice of the speech attributed to Captain Barton? said, he had a very unpleasant duty to perform

in introducing the subject to the House, but he felt sure that all educated Englishmen, Scotchmen, and Welshmen would disapprove of the circumstances which he had to bring to their knowledge. It was a question which to his mind was of great importance, as dealing with the question of the government of Ireland, and the due administration of justice in carrying out the Acts passed by Parliament. He thought that the conduct of those entrusted with the administration of the law ought to be above suspicion. They all knew that Ireland, especially the Northern part, was divided into two parties with respect to religion. In the North of Ireland Party feeling ran very high, as the numbers of each Party were more equal than they were in any other part. But when they came to dealing with the question of the administration of justice it must be borne in mind that in the North of Ireland there were 700,000 Catholics as against 800,000 of all other denominations, and there was an opinion in Ireland that they should have a certain number of Catholic justices to represent the feelings and rights of the Catholics—an arrangement that would give the great body of the people of the country confidence in the administration of the law. He, however, found that in the county of Fermanagh there were 51,000 Catholics as against 41,000 of other denominations, and on looking at the constitution of the justices of the peace roll he found that, so far as he could ascertain—and he had a pretty good knowledge of the men—there was not one Catholic upon the list, although there were 69 justices of the peace for the county. He thought that would strike the House as being a most remarkable fact. There were also 17 deputy lieutenants in the North of Ireland, and none of them were Catholics. That being the case, it would strike any one that gentlemen bearing commissions of the peace for the county of Fermanagh should have an extreme delicacy and should be very scrupulous of expressing opinions on matters of religion. In the case to which he wished to call attention the gentleman had not displayed that delicacy, and he thought the language would be disapproved of by almost every hon. Member present. Some years ago a meeting was held at Cavan in favour of the Bill of the right hon. Gentleman

more derogatory, more discreditable, not to the Government alone, who were here to-day and gone, it might be hoped, to-morrow, but to the House and the country—namely, the un-English sentiments uttered from time to time by the Chief Secretary for Ireland. He (Mr. Whalley) protested against the time of the House being taken up by appeals on behalf of a Power which was recognized by our law and by common sense as alien to the general feeling of the community and utterly destructive to the prosperity of Ireland.

MR. O'CONNOR POWER defended the course adopted by his hon. Friend the Member for Cavan County in bringing under the notice of the House the speech of Captain Barton, and was sorry that the right hon. Gentleman the Chief Secretary for Ireland had attempted to defend that Gentleman. He did not agree with the language of the hon. Member for Cavan County, with reference to the meeting; but at all events his hon. Friend did not use these words at a meeting, while Captain Barton did use words which might have led to murder. The right hon. Gentleman assured the House that the language of Captain Barton was not used in the exercise of his judicial functions. But that did not affect his fitness to sit on the Bench, because he had a character to maintain whether on or off the Bench. After all, he was not surprised at the way in which this subject had been met by the Chief Secretary for Ireland when he remembered that the right hon. Gentleman in his speech at Belfast referred to certain Members of the House as spouters of sedition.

SIR MICHAEL HICKS - BEACH: In the expression I made use of on that occasion, I did not speak of any hon. Members of this House.

MR. O'CONNOR POWER: It would be a satisfaction to Home Rule Members to learn now for the first time that the language used on that occasion did not refer to them. In times past dissension in Ulster was promoted by the Government, and he regretted that the Chief Secretary for Ireland had not availed himself of this opportunity to denounce the fanning of the flame of religious bigotry in Ireland whether by Catholics or Protestants.

MR. BIGGAR considered that the hon. Member for Cavan County had done

good service in bringing the matter under the notice of the House.

COLONEL COLE said, he knew Captain Barton to be a young man of warm temperament. He would not say a word in favour of the speech which he had been accused of delivering, and which, if he had delivered it, would have been very indiscreet. But he knew Captain Barton to be the last person who would say anything intended to hurt the feelings of others.

DR. WARD said, there was a feeling in Ireland that some unfairness was shown in dealing with these cases, and that while a magistrate who said anything at a popular meeting was pretty sure to have his name scratched out of the Commission, very little notice was taken of speeches at meetings like that in question.

MR. BUTT said, this was not so much a question between Roman Catholic and Protestant, as a question as to a magistrate gloating over a diabolical crime. He, therefore, thought it was the duty of the Lord Chancellor to ask Captain Barton to give his own version of the words that he did use. He presumed there would be no objection to lay upon the Table the correspondence between Captain Barton and the Lord Chancellor.

SUEZ CANAL—THE MANAGEMENT.

OBSERVATIONS.

SIR H. DRUMMOND WOLFF rose to call attention to the proposed arrangement with regard to the future management of the Suez Canal. He was encouraged to that course by the language used by the right hon. Gentleman the Prime Minister on the occasion of the third reading of the Bill authorizing the issue of Exchequer Bonds to pay for the purchase of the Suez Canal Shares. On that occasion, the right hon. Gentleman stated that the negotiations then being carried on could not be decided by either of the negotiators, Colonel Stokes or M. de Lesseps, and that when Colonel Stokes returned to this country he would afford the Government an explanation of the nature of those negotiations. Within three or four days after that statement, Colonel Stokes returned to England, but the information the House was led to expect had never been given. He did not for one moment accuse the First

Mr. Whalley

Minister of the Crown or the Chancellor of the Exchequer of want of courtesy or breach of faith in the matter, but he could not but say that when the latter right hon. Gentleman addressed the House in reference to the Suez Canal he seemed not to be altogether his own master. A hidden influence seemed to actuate his actions. It appeared that—

“He sees a hand we cannot see, which beckons him away;

“He hears a voice we cannot hear, which bids him not to stay.”

When the Suez Canal Shares were purchased the whole country approved the conduct of the Government, and although the step so taken was criticized, no serious opposition to the purchase was offered. On the contrary, it was regarded by the country as a great political act. He hoped that that great political act would not from the course which had been adopted lead to a great financial complication. Since then nothing had been done in fulfilment of the scheme originally sketched out to Parliament. Nothing had been done to place the Canal upon an international footing, nothing to increase the influence of this country in its administration, and to secure for it the two essential requirements; first, a good financial administration, and, at the same time, a safeguard against political complications. Government had gone as a suppliant to M. de Lesseps, and obtained the appointment of three directors on the Board to represent the interests of this country. They might be gentlemen every way equal to the work, but whose duties would be unnecessary and even in some cases dangerous. They must on all questions which were hostile to British interests be in a minority of 3 to 21; yet taking part in the deliberations of the Board, they would have to concur in all measures which might have that unfriendly character. It was the interests of the French shareholders that the Canal should earn the greatest possible amount of profits, whereas it was the object of this country to reduce the tolls in the interests of trade generally; and whenever a motion to that effect came to be considered, the three directors representing this country would be sure to be in a minority. And who, he would ask, was to pay those directors?

THE CHANCELLOR OF THE EXCHEQUER: The statutes of the Company

provide for a percentage to be paid to the directors.

SIR H. DRUMMOND WOLFF said, it was true there was such a provision, but it applied to the directors who represented the Company in general, and not to those representing the holders of the shares of the Khedive—shares not bringing any dividends to their owners—who had only 10 votes, and who could not have elected or influenced the election of directors himself. Therefore he maintained that this country had been placed in a position of great danger and humiliation. The difficulty of the situation, moreover, was increased by the apparent determination of the Government to withhold all information on the subject from the House. Nothing was more unbusinesslike. Instead of allowing the subject to be fully discussed, they apparently intended that the House, by means of what had been called a mechanical majority, perhaps, should do simply what Colonel Stokes might chose to dictate. The House and the country had regarded the purchase of these shares as a great political act which was to have two results. One was the diminution of the enormous tax now imposed on ships going through the Canal, and the other was to secure the free passage of the Canal at all times and keep our communication free with India. The question of the surtax was not one of very great importance; but when, according to the present arrangement, the minimum had been reached, the tax upon shipping would still be exceedingly heavy; and it must be plain to the Government that when the novelty of the Canal was worn off commerce would not suffer this very heavy charge on navigation to continue. Then what was to be done? It appeared to him, and in fact the noble Earl the Secretary of State for Foreign Affairs (the Earl of Derby) had made the proposal, that some arrangement might be come to between different Governments to buy out the Company and apply the profits to the reduction of the tolls on the same principles as the Sound dues. He wished to know whether any foreign Governments had been sounded on that point? An arrangement of the kind suggested had always been a favourite object, he understood, with the Italian Government, and he had no doubt other Governments would willingly come into the arrange-

ment; but if not, there were other arrangements, financial and political, by which the tolls might be reduced, and by which the nations that chose to join in the arrangement might have some special advantage. There was a graver question which might crop up any day. When the matter was first discussed, the noble Lord the Leader of the Opposition asked what would be the position of the Canal in case of a war? Omitting the case in which England herself was a belligerent, let him suppose that any foreign Power, Italy for instance, went to war with Turkey or with Egypt, and blockaded the Canal either at Port Saïd or at Suez, how would the navigation of England or of the world traverse the Canal? Would England insist on breaking the blockade? That would be a *casus belli*; and it would be equally one if she were to insist that either of the belligerents—if Turkey and Egypt were at war with some third Power—should yield to the other. Something should be done to secure the neutralization of the Canal. M. de Lesseps had stated in a book recently published that before the completion of the Canal Prince Metternich had made a suggestion to him for its neutralization, founded on the precedents of the Treaty of Adrianople in 1829 in reference to the Bosphorus, and the Clayton-Bulwer Treaty respecting the Nicaragua Canal. With a little pluck and energy the Suez Canal might be taken out of the hands of the shareholders and made the common highway of the nations of the world. Sir Andrew Buchanan proposed a plan for the purpose some years ago, which seemed to be very much approved by the Austrian authorities. It was that the Viceroy should hold the Canal for the benefit of all parties. He could not understand why the House of Commons should be kept in the dark on the subject in the manner it was. He would suggest that, as in the cases of the Stade dues and of the Sound dues, a Committee of the House of Commons should be appointed to consider the subject. Complications might at any moment arise, and the country should not be kept in the dark. He therefore asked the Government to give the explanations he asked for as to the position in which the matter stood.

THE CHANCELLOR OF THE EXCHEQUER said, he was not altogether clear as to the object his hon. Friend had in

view. He had now, as on former occasions, mixed up matters which required diverse treatment. The Government had on all occasions endeavoured to treat his hon. Friend with courtesy, because they knew he had studied the subject for years; but he appeared to have brought forward two or three questions of a very different character, and deserving of wholly different treatment. His hon. Friend had spoken of the representation of this country in the Suez Canal Company, but he went on to mix up with that a subject of a much wider character—the neutralization of the Canal. They had nothing to do with the neutralization of the Canal—that was a question which stood wholly apart. While the Government still held themselves open to consider that question, however, they had not considered it, and it was not at present under consideration. If it should be found hereafter that it was desirable to do so, we should be then in a much better position to carry it out than before the purchase was made: but as yet they had not thought it desirable to raise the question from the difficulty surrounding it, and the embarrassment that might arise in dealing with the Porte and the Viceroy of Egypt, and if his hon. Friend thought there was anything behind in respect to that matter he spoke entirely from conjecture, but at present Her Majesty's Government had not considered the question. His hon. Friend wanted to know what arrangement was proposed with regard to the representation of this country in the Suez Canal Company. That Company was constituted under its own statutes, and Her Majesty's Government knew by means of those statutes exactly what was the position of the Company, and what was the position of the Viceroy of Egypt with regard to the shares. They found that at a certain time the Viceroy of Egypt wanted money, which he proposed to obtain by the sale of these shares, and they thought the British Government should come forward to purchase these shares. When the shares were purchased Her Majesty's Government knew they were purchasing shares of a certain nominal amount which would not pay dividends for 19 or 20 years, and that as to the number of votes they carried, if they carried any, such right would, after all, pos-

Sir H. Drummond Wolff

sibly have to be decided by a French Court of Law; but whichever way it might be decided, Her Majesty's Government considered they were doing their duty to the country in saying that they should not fall into the hands of persons whom might make use of them disadvantageously to the country. There were also other questions as to the rights which the purchase would confer. Upon these questions they obtained the opinions of able gentlemen. Having become the possessors of these shares, they were subject to the statutes of the Company. They might have rested without asking for any other representation than the moral power that attached to its being known that this country was largely interested in the Canal. Colonel Stokes was the agent of the British Government on matters connected with the Canal, and he put himself in communication with M. de Lesseps. M. de Lesseps and Colonel Stokes arrived at certain conditional arrangements, which were submitted to Her Majesty's Government. The hon. Gentleman wanted to know what these arrangements were. The provisional arrangements proposed by Colonel Stokes and M. de Lesseps were that the British Government should be entitled to nominate three members of the Committee of Management, and that one of those members, if so arranged, should be a member of the Committee of Direction, which consisted of four or five members, and which exercised the chief control over the affairs of the Company. Connected with that was another arrangement—a provisional, but at the same time a very important, arrangement—between Colonel Stokes and M. de Lesseps as to the surtax which was charged upon vessels passing through the Canal. It had been sent home for the consideration of Her Majesty's Government. The surtax affected the interests of the shipping passing through the Canal, and also of the Company; and it had for a long time been a matter of dispute between the Company and the Maritime Powers. His hon. Friend knew that there was a Conference on the subject at Constantinople some time ago, and certain arrangements were come to against which M. de Lesseps protested, and that they were carried into effect in spite of that protest on behalf of the Company. There were other points open to question, and

all these had been under the consideration of Her Majesty's Government, and the subject of communications with the other Powers, and the cause of a great deal of inquiry. These proposals having been submitted to Her Majesty's Government, what was the first thing to do? The first was to consider whether they appeared to be satisfactory to the British Government. They were submitted to the Foreign Office, and it consulted other Departments of the Government which were interested in the matter. A good deal of consideration had been given by those Departments to the proposals, and it was only, he thought, within the last few days that a final answer had been received from those Departments by the Foreign Office. It was necessary to formulate the proposals, and to submit them to foreign Governments. Questions like these could not be decided off-hand. They must be carefully considered and agreed to by other Maritime Powers, and even then the consent of the Company would be necessary. The Company had its own rights, and it was under the protection of the Porte and the Viceroy of Egypt. His hon. Friend must therefore admit that it would be extremely inconvenient to discuss such arrangements in that House while they were still in progress, or before they were submitted to other nations. That was, after all, a great international question, and his hon. Friend, who knew the matter so thoroughly, was in the position of a man who was rather a-head of his audience in many respects. He knew a great deal of those things which others did not know; and it was quite impossible to explain them to Parliament without the Correspondence which it was necessary they should have with foreign Powers. They could not come forward, for instance, with a proposal relating to the surtax, before it had been brought before the Porte and the Viceroy of Egypt. The question of the surtax could not be decided in a hurry, but he could inform his hon. Friend generally that certain proposals had been made, with explanations as to the expenditure of money which, in the opinion of the Government, would be advantageous both to the parties using the Canal, and to the Canal itself; and they hoped that they would be accepted both by the Powers who

more derogatory, more discreditable, not to the Government alone, who were here to-day and gone, it might be hoped, to-morrow, but to the House and the country—namely, the un-English sentiments uttered from time to time by the Chief Secretary for Ireland. He (Mr. Whalley) protested against the time of the House being taken up by appeals on behalf of a Power which was recognized by our law and by common sense as alien to the general feeling of the community and utterly destructive to the prosperity of Ireland.

MR. O'CONNOR POWER defended the course adopted by his hon. Friend the Member for Cavan County in bringing under the notice of the House the speech of Captain Barton, and was sorry that the right hon. Gentleman the Chief Secretary for Ireland had attempted to defend that Gentleman. He did not agree with the language of the hon. Member for Cavan County, with reference to the meeting; but at all events his hon. Friend did not use these words at a meeting, while Captain Barton did use words which might have led to murder. The right hon. Gentleman assured the House that the language of Captain Barton was not used in the exercise of his judicial functions. But that did not affect his fitness to sit on the Bench, because he had a character to maintain whether on or off the Bench. After all, he was not surprised at the way in which this subject had been met by the Chief Secretary for Ireland when he remembered that the right hon. Gentleman in his speech at Belfast referred to certain Members of the House as spouters of sedition.

SIR MICHAEL HICKS - BEACH: In the expression I made use of on that occasion, I did not speak of any hon. Members of this House.

MR. O'CONNOR POWER: It would be a satisfaction to Home Rule Members to learn now for the first time that the language used on that occasion did not refer to them. In times past dissension in Ulster was promoted by the Government, and he regretted that the Chief Secretary for Ireland had not availed himself of this opportunity to denounce the fanning of the flame of religious bigotry in Ireland whether by Catholics or Protestants.

MR. BIGGAR considered that the hon. Member for Cavan County had done

good service in bringing the matter under the notice of the House.

COLONEL COLE said, he knew Captain Barton to be a young man of warm temperament. He would not say a word in favour of the speech which he had been accused of delivering, and which, if he had delivered it, would have been very indiscreet. But he knew Captain Barton to be the last person who would say anything intended to hurt the feelings of others.

DR. WARD said, there was a feeling in Ireland that some unfairness was shown in dealing with these cases, and that while a magistrate who said anything at a popular meeting was pretty sure to have his name scratched out of the Commission, very little notice was taken of speeches at meetings like that in question.

MR. BUTT said, this was not so much a question between Roman Catholic and Protestant, as a question as to a magistrate gloating over a diabolical crime. He, therefore, thought it was the duty of the Lord Chancellor to ask Captain Barton to give his own version of the words that he did use. He presumed there would be no objection to lay upon the Table the correspondence between Captain Barton and the Lord Chancellor.

SUEZ CANAL—THE MANAGEMENT.

OBSERVATIONS.

SIR H. DRUMMOND WOLFF rose to call attention to the proposed arrangement with regard to the future management of the Suez Canal. He was encouraged to that course by the language used by the right hon. Gentleman the Prime Minister on the occasion of the third reading of the Bill authorizing the issue of Exchequer Bonds to pay for the purchase of the Suez Canal Shares. On that occasion, the right hon. Gentleman stated that the negotiations then being carried on could not be decided by either of the negotiators, Colonel Stokes or M. de Lesseps, and that when Colonel Stokes returned to this country he would afford the Government an explanation of the nature of those negotiations. Within three or four days after that statement, Colonel Stokes returned to England, but the information the House was led to expect had never been given. He did not for one moment accuse the First

Mr. Whalley

Minister of the Crown or the Chancellor of the Exchequer of want of courtesy or breach of faith in the matter, but he could not but say that when the latter right hon. Gentleman addressed the House in reference to the Suez Canal he seemed not to be altogether his own master. A hidden influence seemed to actuate his actions. It appeared that—

“He sees a hand we cannot see, which beckons him away ;

“He hears a voice we cannot hear, which bids him not to stay.”

When the Suez Canal Shares were purchased the whole country approved the conduct of the Government, and although the step so taken was criticized, no serious opposition to the purchase was offered. On the contrary, it was regarded by the country as a great political act. He hoped that that great political act would not from the course which had been adopted lead to a great financial complication. Since then nothing had been done in fulfilment of the scheme originally sketched out to Parliament. Nothing had been done to place the Canal upon an international footing, nothing to increase the influence of this country in its administration, and to secure for it the two essential requirements ; first, a good financial administration, and, at the same time, a safeguard against political complications. Government had gone as a suppliant to M. de Lesseps, and obtained the appointment of three directors on the Board to represent the interests of this country. They might be gentlemen every way equal to the work, but whose duties would be unnecessary and even in some cases dangerous. They must on all questions which were hostile to British interests be in a minority of 3 to 21 ; yet taking part in the deliberations of the Board, they would have to concur in all measures which might have that unfriendly character. It was the interests of the French shareholders that the Canal should earn the greatest possible amount of profits, whereas it was the object of this country to reduce the tolls in the interests of trade generally ; and whenever a motion to that effect came to be considered, the three directors representing this country would be sure to be in a minority. And who, he would ask, was to pay those directors ?

THE CHANCELLOR OF THE EXCHEQUER: The statutes of the Company

provide for a percentage to be paid to the directors.

SIR H. DRUMMOND WOLFF said, it was true there was such a provision, but it applied to the directors who represented the Company in general, and not to those representing the holders of the shares of the Khedive—shares not bringing any dividends to their owners—who had only 10 votes, and who could not have elected or influenced the election of directors himself. Therefore he maintained that this country had been placed in a position of great danger and humiliation. The difficulty of the situation, moreover, was increased by the apparent determination of the Government to withhold all information on the subject from the House. Nothing was more unbusinesslike. Instead of allowing the subject to be fully discussed, they apparently intended that the House, by means of what had been called a mechanical majority, perhaps, should do simply what Colonel Stokes might chose to dictate. The House and the country had regarded the purchase of these shares as a great political act which was to have two results. One was the diminution of the enormous tax now imposed on ships going through the Canal, and the other was to secure the free passage of the Canal at all times and keep our communication free with India. The question of the surtax was not one of very great importance ; but when, according to the present arrangement, the minimum had been reached, the tax upon shipping would still be exceedingly heavy ; and it must be plain to the Government that when the novelty of the Canal was worn off commerce would not suffer this very heavy charge on navigation to continue. Then what was to be done ? It appeared to him, and in fact the noble Earl the Secretary of State for Foreign Affairs (the Earl of Derby) had made the proposal, that some arrangement might be come to between different Governments to buy out the Company and apply the profits to the reduction of the tolls on the same principles as the Sound dues. He wished to know whether any foreign Governments had been sounded on that point ? An arrangement of the kind suggested had always been a favourite object, he understood, with the Italian Government, and he had no doubt other Governments would willingly come into the arrange-

ment; but if not, there were other arrangements, financial and political, by which the tolls might be reduced, and by which the nations that chose to join in the arrangement might have some special advantage. There was a graver question which might crop up any day. When the matter was first discussed, the noble Lord the Leader of the Opposition asked what would be the position of the Canal in case of a war? Omitting the case in which England herself was a belligerent, let him suppose that any foreign Power, Italy for instance, went to war with Turkey or with Egypt, and blockaded the Canal either at Port Saïd or at Suez, how would the navigation of England or of the world traverse the Canal? Would England insist on breaking the blockade? That would be a *casus belli*; and it would be equally one if she were to insist that either of the belligerents—if Turkey and Egypt were at war with some third Power—should yield to the other. Something should be done to secure the neutralization of the Canal. M. de Lesseps had stated in a book recently published that before the completion of the Canal Prince Metternich had made a suggestion to him for its neutralization, founded on the precedents of the Treaty of Adrianople in 1829 in reference to the Bosphorus, and the Clayton-Bulwer Treaty respecting the Nicaragua Canal. With a little pluck and energy the Suez Canal might be taken out of the hands of the shareholders and made the common highway of the nations of the world. Sir Andrew Buchanan proposed a plan for the purpose some years ago, which seemed to be very much approved by the Austrian authorities. It was that the Viceroy should hold the Canal for the benefit of all parties. He could not understand why the House of Commons should be kept in the dark on the subject in the manner it was. He would suggest that, as in the cases of the Stade dues and of the Sound dues, a Committee of the House of Commons should be appointed to consider the subject. Complications might at any moment arise, and the country should not be kept in the dark. He therefore asked the Government to give the explanations he asked for as to the position in which the matter stood.

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view. He had now, as on former occasions, mixed up matters which required diverse treatment. The Government had on all occasions endeavoured to treat his hon. Friend with courtesy, because they knew he had studied the subject for years; but he appeared to have brought forward two or three questions of a very different character, and deserving of wholly different treatment. His hon. Friend had spoken of the representation of this country in the Suez Canal Company, but he went on to mix up with that a subject of a much wider character—the neutralization of the Canal. They had nothing to do with the neutralization of the Canal—that was a question which stood wholly apart. While the Government still held themselves open to consider that question, however, they had not considered it, and it was not at present under consideration. If it should be found hereafter that it was desirable to do so, we should be then in a much better position to carry it out than before the purchase was made: but as yet they had not thought it desirable to raise the question from the difficulty surrounding it, and the embarrassment that might arise in dealing with the Porte and the Viceroy of Egypt, and if his hon. Friend thought there was anything behind in respect to that matter he spoke entirely from conjecture, but at present Her Majesty's Government had not considered the question. His hon. Friend wanted to know what arrangement was proposed with regard to the representation of this country in the Suez Canal Company. That Company was constituted under its own statutes, and Her Majesty's Government knew by means of those statutes exactly what was the position of the Company, and what was the position of the Viceroy of Egypt with regard to the shares. They found that at a certain time the Viceroy of Egypt wanted money, which he proposed to obtain by the sale of these shares, and they thought the British Government should come forward to purchase these shares. When the shares were purchased Her Majesty's Government knew they were purchasing shares of a certain nominal amount which would not pay dividends for 19 or 20 years, and that as to the number of votes they carried, if they carried any, such right would, after all, pos

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all these had been under the consideration of Her Majesty's Government, and the subject of communications with the other Powers, and the cause of a great deal of inquiry. These proposals having been submitted to Her Majesty's Government, what was the first thing to do? The first was to consider whether they appeared to be satisfactory to the British Government. They were submitted to the Foreign Office, and it consulted other Departments of the Government which were interested in the matter. A good deal of consideration had been given by those Departments to the proposals, and it was only, he thought, within the last few days that a final answer had been received from those Departments by the Foreign Office. It was necessary to formulate the proposals, and to submit them to foreign Governments. Questions like these could not be decided off-hand. They must be carefully considered and agreed to by other Maritime Powers, and even then the consent of the Company would be necessary. The Company had its own rights, and it was under the protection of the Porte and the Viceroy of Egypt. His hon. Friend must therefore admit that it would be extremely inconvenient to discuss such arrangements in that House while they were still in progress, or before they were submitted to other nations. That was, after all, a great international question, and his hon. Friend, who knew the matter so thoroughly, was in the position of a man who was rather a-head of his audience in many respects. He knew a great deal of those things which others did not know; and it was quite impossible to explain them to Parliament without the Correspondence which it was necessary they should have with foreign Powers. They could not come forward, for instance, with a proposal relating to the surtax, before it had been brought before the Porte and the Viceroy of Egypt. The question of the surtax could not be decided in a hurry, but he could inform his hon. Friend generally that certain proposals had been made, with explanations as to the expenditure of money which, in the opinion of the Government, would be advantageous both to the parties using the Canal, and to the Canal itself; and they hoped that they would be accepted both by the Powers who

were interested and by the Canal Company. Then, with regard to the Commissioners, his hon. Friend appeared to entertain the idea that by appointing three we should be placed at a disadvantage. He (the Chancellor of the Exchequer) thought otherwise; but he must repeat that it was extremely undesirable to discuss in that House particular details of the arrangement. His hon. Friend talked of their being suppliants to the Company. That was an invidious way of putting the matter. They had purchased the shares of a Company having a certain constitution, and which had a perfect right to refuse to alter that constitution. They proposed to avail themselves of a proposal which had been made to them by the Company, and if Parliament should be of opinion that it was one which ought not to be accepted, it would always be in the power of Parliament to say that it objected to their entering into such an arrangement. But it was not in the power of Parliament to negotiate and say—"We will have this, we want that, and we wish the other," because the Company had its constitutional rights to stand upon, and Parliament could not go into these details. Then his hon. Friend wanted to know how these Commissioners were to be paid; but he knew very well that, by the constitution of the Company, there was a certain percentage of the profits set apart for those engaged in its administration. It must also be remembered that after the Company had made any alteration in its statutes, it was necessary for it to obtain the consent of the Viceroy of Egypt to such alteration. The Government were anxious to give the House every information; but they could not at present go further than he had done. He had endeavoured to state what the position of the Government was. He believed that a meeting of the Company would be held very shortly. Whether an arrangement would then be come to, or whether notice would be given for another meeting to make final arrangements, was a question on which he could not express any opinion; but he hoped they would be able to arrive at some conclusion which would give us proper representation on the Board of the Company. As to making the Canal an international affair, undoubtedly what his hon. Friend had said in regard to the Sound and Stade

dues afforded a precedent which ought to be followed if such an arrangement was made. But he presumed that before a Committee on those dues was appointed, the Government of the day had come to the conclusion that it was desirable so to deal with them. If such a proposal as the purchase of the whole of the interests of the Canal, in order to make it an international passage, should be entertained, of course in so important a matter as that it might be well to have a Committee to consider it. But there was no such proposal at present before them, and he did not think this was the most favourable moment for the consideration of the question. As far as they could judge, it was not favourably entertained either by the Porte or the several Maritime Powers. Certainly the Government had no intimation of a desire to entertain it. While, however, they in no way closed their ears to such a proposal, they would wait until it was made, and if it should be made, the first duty of the Government would be to consult Parliament upon it. He did not know that he could now say any more upon the subject; but as to the important question of surtax, as soon as they were in a position to do so, the Government would be ready to lay all the Correspondence relating to it on the Table.

MR. DODSON said, that the right hon. Gentleman the Chancellor of the Exchequer had that evening proved himself an adept in the art of making a long speech, and leaving the House as wise when he sat down as it was before he rose. The explanation of the right hon. Gentleman was not an explanation in the proper sense of the terms. At all events, it was not an explanation which could be long accepted as satisfactory to the House. It was all very well to criticize the words of the hon. Member for Christchurch, but it was a fact that we could only hope to obtain representation on the Board, as a matter of favour, not of right. He (Mr. Dodson) trusted that either the right hon. Gentleman or some Member of the Government would, before the close of the Session, give some information to the House as to what settlement was arrived at, or what prospect there was of arriving at any, and at such a period that the House would have full and fair opportunity of discussing the subject.

The Chancellor of the Exchequer

MR. SANDFORD said, what his hon. Friend the Member for Christchurch (Sir H. Drummond Wolff) wished was that when some arrangement had been made with the Maritime Powers, the points thus settled should be submitted to Parliament before they were submitted to the Company, so that Parliament might have some power of modifying them, instead of rejecting or receiving them *en bloc*. He therefore agreed that it was desirable that the House should have an opportunity of discussion before the determination that might be arrived at was submitted to the Company. He could not agree with his hon. Friend that this should be made an international concern, because he feared, if it were, it lead to international squabbles. As to the purchase of the shares, the Foreign Secretary had repudiated any political object, but the opinion of the country was decidedly adverse to the noble Lord on this point, and had only ratified the purchase because it wished Europe to understand that we took an interest in the East, and that, however poor an investment the purchase might prove, England was determined to hold the highway to India.

THE CHANCELLOR OF THE EXCHEQUER said, there was to be a provision in the statute that out of the receipts of the Company a certain percentage should be set aside for the payment of the dividends.

MR. RYLANDS said, the discussion would have one useful result; it would make people more alive to the fact that the country was deceived in its expectations that the purchase of these Shares would give England any political influence in the East, or any controlling influence over the Canal. What influence could we derive from 10 votes? And what influence could three English directors give us? It would be better to have no directors at all, than directors without power, who would only be a delusion and a snare. It seemed to him that they gained nothing by the possession of these shares; and he hoped that the right hon. Gentleman the Chancellor of the Exchequer would, when the Bill was brought in, give the House a full opportunity to discuss it.

Motion, by leave, *withdrawn*.

Committee deferred till *Monday* next.

UNREFORMED MUNICIPAL CORPORATION COMMISSION.

SIR CHARLES W. DILKE said, he would not ask the Question, of which he had given Notice for Monday next, respecting the Commission on Unreformed Municipal Corporations, as he had learnt privately from the Home Secretary, that it would be for the Commissioners themselves to determine what were and what were not municipal corporations.

MR. ASSHETON CROSS said, that was so. If when the Commission had reported it was found that any other body was open to such accusations as had been brought by the hon. Member, he should be happy to allow the inquiry to be extended.

CATTLE DISEASE (IRELAND) BILL.

[BILL 94.] (*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland.*)

COMMITTEE. [*Progress 7th April.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 2 (Interpretation.)

Amendment proposed, in page 1, line 15, to leave out the words "Act (Ireland), 1866," in order to insert the words, "(Ireland) Acts, 1866-1874."—(*Sir Michael Hicks-Beach.*)

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 3 (Construction of Act), *agreed to*.

Orders by Lord Lieutenant and Privy Council.

Clause 4 (Power to Lord Lieutenant and Privy Council to make orders.)

MR. SHARMAN CRAWFORD called attention to the disease of glanders in horses, and moved an Amendment, the object of which was to aid in stamping out that terrible disease.

SIR MICHAEL HICKS-BEACH said, he would give his attention to the proposal of the hon. Member.

Amendment, by leave, *withdrawn*.

MR. BUTT said, this was a most important clause. The Lord Lieutenant should not have the power of authorizing or directing the Guardians of any Poor

Law Unions in Ireland to provide for the inspection, examination, compulsory slaughter, or burial of any animals brought into any seaport within such Unions for the purpose of being exported therefrom.

MR PARNELL moved to report Progress on account of the lateness of the hour.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Parnell.*)

The Committee divided:—Ayes 15; Noes 69: Majority 54.

MR. BIGGAR moved that the Chairman do leave the Chair.

SIR MICHAEL HICKS-BEACH said he would consent to report Progress.

Motion agreed to.

Committee report Progress; to sit again upon *Friday* next.

CONVENTION (IRELAND) ACT REPEAL BILL.

On Motion of Mr. P. J. SMYTH, Bill for the Repeal of the Act of the Irish Parliament, the thirty-third George the Third, chapter twenty-nine, intituled "An Act to prevent the Election or Appointment of Unlawful Assemblies, ordered to be brought in by Mr. P. J. SMYTH, Mr. RONAYNE, and Mr. O'CLERY.

Bill presented, and read the first time. [Bill 143.]

BOULOGNE SUR MER PETITION.

Select Committee appointed, "to consider a Petition addressed to this House by Inhabitants of the Town of Boulogne sur Mer in France, and to report upon the advisability of the reception of such Petition by the House:"—Select Committee nominated:—MR. WALPOLE, MR. BRIGHT, LORD ELCHO, MR. WHITBREAD, MR. BOURKE, SIR CHARLES FORSTER, SIR HENRY WOLFF, MR. O'SHAUGHNESSY, SIR EARDLEY WILMOT, MR. DODSON, and Mr. Secretary HARDY:—Power to send for persons, papers, and records: Three to be the quorum.

House adjourned at a quarter before Two o'clock, till Monday next.

HOUSE OF LORDS,

Monday, 8th May, 1876.

MINUTES.]—*Sat First in Parliament*—Charles Edward Hastings Lord Hastings, after the death of his Mother.

Mr. Butt

PUBLIC BILLS—*First Reading*—Treasury Solicitor * (76).

Second Reading—All Saints, Moss * (70): Local Government Provisional Orders (Nos. 2 and 3) * (62-63).

Committee — Report — Agricultural Holdings (Scotland) (44).

Report—Irish Peerage (32-75).

Third Reading—Local Government Provisional Orders * (54), and passed.

AGRICULTURAL HOLDINGS (SCOTLAND) BILL.—(No. 44.)

(*The Lord President.*)

COMMITTEE.

Order of the Day for the House to be put into a Committee, read.

Moved, "That the House be now put into a Committee on the said Bill."—(*The Lord President.*)

THE MARQUESS OF HUNTLY said, that before their Lordships went into Committee he wished to make a few observations. In the first place, he had endeavoured to ascertain the feeling of the people of Scotland with regard to the Bill, and numerous suggestions for its improvement had been made at their spring meetings by the Commissioners of Supply and others. Having gone carefully through these proposals, and also through the clauses of the Bill, he thought that the measure was altogether unworthy of their Lordships' approval, and therefore he had not put down any Amendments for Committee. The reason he had formed that opinion was this—he found that there was a general feeling throughout the country, expressed by parties representing different classes of opinion, that this Act would remain a dead letter. It would be in their Lordships' recollection that last year, during the discussion upon the Agricultural Holdings (England) Bill, it was pretty generally expressed in both Houses of Parliament that one of the reasons for the introduction of that Bill was the absence in many parts of England of any agreement between landlord and tenant; and upon the occasion of the second reading there was a long discussion with respect to freedom of contract. On that subject, he (the Marquess of Huntly) expressed himself in favour of making agreements in writing between landlords and tenants compulsory—indeed, in his opinion the chief argument in favour of the English Bill was, that it would permit agreements in writing—

and in order to make the Bill more express on that point he moved on Report a series of clauses. The noble Duke (the Duke of Richmond and Gordon), however, considered such clauses unnecessary. Well, the Act having passed, what had been its effect? In many parts of the Midland counties, where agreements were not usual, the landlords and tenants had contracted themselves out of the Act, and had gone on just as before. Then, with respect to Scotland, if the Bill was necessary in England where agreements in writing were not the rule, was it necessary in Scotland where agreements were universal? Surely, if landlords and tenants did not take any advantage of the Act where there were no agreements, was it to be expected that they could do so where there were not only agreements but long leases? The conclusion that he had arrived at was that this Act would remain a dead letter. It appeared to him to be utterly useless to make any Amendment whatever on it, and the best course to pursue would be to allow the Bill to pass as it stood, and let the landlords and tenants adopt what part of it they thought fit. On these grounds he did not intend to propose any Amendment.

Motion *agreed to*; House in Committee accordingly.

Clauses 1 to 22, inclusive, *agreed to*, with verbal Amendments.

Clause 23 (Requisition for appointment of oversman by Inclosure Commissioners, &c.).

THE DUKE OF ARGYLL asked the noble Duke what reasons had induced him to think it necessary that oversmen of the Referees should be appointed by the English Inclosure Commissioners? He could not understand why there should be any introduction of the English Inclosure Commissioners into a measure for Scotland. It seemed to him that in Scotland the Sheriff was the natural party to be applied to to appoint the oversmen.

THE DUKE OF RICHMOND AND GORDON said, that the only reason for inserting the Inclosure Commissioners was, that they had great experience in matters of this kind; but there was no sort of objection to substitute the Sheriffs,

if the noble Duke thought they would do the business better. He would consider the matter, and if it seemed desirable, would bring up an Amendment on the Report.

Clause *agreed to*.

Clauses 24 to 45, inclusive, *agreed to*.

Clause 46 (Time of warning to remove).

THE DUKE OF ARGYLL moved an Amendment to the effect that nothing in the section should extend to a contract for tenancy in writing for a period exceeding one year, or to a case where the tenant possesses upon tacit relocation following upon such written contract. The position was this—By the almost universal practice in Scotland a farmer held his land either for a 19 or a 21 years' lease, and the conclusion of the lease was itself a notice to quit, the tenant fully understanding that at the end of the lease, unless it was renewed, he would have to remove. But under the old common law of Scotland, the tenant was under what was called "tacit relocation," unless he got 40 days' notice to quit. Now, in almost every case the question as to whether the tenant was to quit or to have a new lease was determined long before 40 days. But by this clause it was provided that the tenant should know for certain 12 months before the determination of the lease whether it was to be renewed or not. As regarded yearly tenancies a 12 months' notice might be very reasonable; but as regarded tenants under lease it would have no effect whatever, for it was usually determined in the month of August or September whether the lease should be renewed or not. The notice, therefore, was not necessary, except when the tenant was about to be changed; but now the landlord would have to give the tenant a notice of 12 months in every case.

THE DUKE OF RICHMOND AND GORDON said, that before he replied to the noble Duke opposite, he must take notice of what had fallen from the noble Marquess (the Marquess of Huntly). The noble Marquess, who had criticized this Bill with some severity, expressed his opinion that it would be wholly inoperative, and stated that he had ascertained the prevailing feeling

in Scotland to be that it would be a dead letter; and therefore he looked upon it as so much waste paper, and that it was not worth while to attempt to make any Amendment on it. He (the Duke of Richmond and Gordon) took a very different view. He believed the Bill would be a very useful measure, and though, perhaps, not so applicable to Scotland as the English Act was to England, it would do a great deal of good, because it introduced into Scotland for the first time the principle that the presumption of law was in favour of the tenant; and that the tenant who had laid out money on the land, and who had not been able or had time to recoup himself for the money so laid out, ought to be entitled to receive remuneration for the capital which he had expended. Though, of course, it would not apply to leases, yet in many parts of Scotland there were holdings not under leases, and those holdings would therefore come within the purview of this Bill. The noble Marquess had told them, in regard to the English Bill, that in some parts of England—the Midland counties—where there were not any written agreements, the Bill had not been taken advantage of, and that the landlords of the Midland counties had not thought fit to adopt the Bill, believing it better to go on without any written agreement at all. Therefore, the noble Marquess argued, this Bill would be inoperative in Scotland, and be a dead letter. His (the Duke of Richmond and Gordon's) opinion was that if it were so, the landlords in the Midland counties did not know their own interests; but even if they did not adopt the Act that was no reason for not applying it in Scotland, and in his belief it would be a benefit to that country. The noble Marquess had stated that the Bill had been discussed at several meetings of the Commissioners of Supply in various parts of Scotland. No doubt that was so. But he did not gather from the statement of the noble Marquess that the opinions they had expressed were unfavourable to the measure. On the contrary, he gathered from what had taken place at those meetings that those who represented the agricultural interests throughout Scotland were favourable to the operation of the Bill. As to the Amendment suggested by the noble Duke (the Duke of Argyll), he was sorry he could not accept it. The law with reference to leases was

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as the noble Duke had described it. In England leases expiring required no notice to be given to the tenant; but in a tenancy from year to year a 12 months' notice was now required where formerly six months only was required. In Scotland leases could not be determined without 40 days' notice, and therefore they were in exactly the same position as to notice as yearly agreements in England. If a 12 months' notice was now required for the determination of a yearly tenancy, he did not see that the tenant in Scotland should be placed in a different position. In fact, the whole point at issue between the noble Duke and himself was, whether the notice should be 12 months. The noble Duke said that as regarded yearly tenancies he thought the 12 months' notice might be fairly adopted. That was an inconsistency which he was not prepared for. The noble Duke proceeded to say that when tenancies had become annual holdings by tacit relocations they should not be entitled to the same notice as other tenancies were entitled to. But when once a tenancy became a yearly tenancy, whether by agreement or tacit relocation, it was equally entitled to a year's notice. This proposal for a year's notice was by no means new. The subject was one, as the noble Duke was probably well aware, that attracted the notice of high authorities, and in 1853 a Bill was brought in by the then Lord Advocate (Lord Moncreiff), by which the farmer was placed not in a better but in a worse position than before. Then, in 1872, Mr. Caird published an address which was adopted by the Scottish Chamber of Agriculture, in which he expressed his opinion of the utter inadequacy of the 40 days' warning, and recommended that no agricultural tenant should be removable unless after 12 months' notice. He could not understand how the noble Duke could have an objection to the 12 months' notice, or how it could be an injury to the landlord. On the contrary, he thought it was a benefit to the landlord, and he was sure it was to the tenant.

On Question? Amendment *negatived*.

Remaining clauses *agreed to*.

Bill *reported*, without Amendment; and to be read 3^a on *Thursday next*.

IRISH PEERAGE BILL—(Nos. 32-75).
(*The Lord Inchiquin*).

REPORT OF AMENDMENTS.

Amendments reported (according to Order).

LORD INCHQUIN said, he had to propose the insertion of a new clause, in lieu of Clause 2, which was struck out in Committee. Their Lordships would probably recollect that in the discussions on the Motion for the Second Reading and also in Committee two objections were raised to the 2nd clause of the Bill. The first, that the number of Representative Peers he proposed to add was too large; and the second was the mode of election he proposed to introduce in order to give to the minority a fair share in the representation. In the clause which he now submitted he had attempted to meet both those objections. The clause would increase the number of Irish Representative Peers by two instead of four, as proposed by him originally. The increase, therefore, would be from 28 to 30; it provided that no election to make up the latter number should be held until the first vacancy among the existing Representative Peers; it then went on to provide that no vacancy hereafter arising in any manner among the Representative Peers of Ireland should be supplied until there were three such vacancies; and, lastly, it provided that at each election of Representative Peers for Ireland every Peer qualified to vote should be entitled to three votes, which he might give to any one Peer or might distribute as he should think fit; in fact, he proposed that the method of election should be what was termed "cumulative voting." He trusted that the alterations of his original proposal which would be effected by this clause would meet all the objections which had been urged against Clause 2 of the Bill. He thought there could be no valid objection to a representation of the minority in the case of the Irish Peerage. Supposing that the English Peerage were represented in this House by a body elected on the same principle as the Irish Representative Peers, how long did their Lordships think the country would stand such a principle? He did not believe it could last for a single Session. No one could advocate the principle of the representation of minorities

more strongly than it had been advocated by the noble and learned Lord on the Woolsack in the case of the representation of the people in the House of Commons. The noble Lord then moved the first (A.) of the new clauses of which he had given Notice—

"The number of Lords Temporal of Ireland elected for life to sit and vote on the part of Ireland in the House of Lords shall be increased from twenty-eight to thirty, but no election of Peers to make up this number shall take place until the first vacancy among the existing Representative Peers.

"No vacancy hereafter in any manner arising among the Representative Peers of Ireland shall be supplied until there are three such vacancies.

"For making up the full number of Representative Peers on the first vacancy and for supplying vacancies thereafter the Lord Chancellor shall direct a writ to be issued under the Great Seal of the United Kingdom to the Lord Chancellor of Ireland, directing him to cause writs for the election of three Representative Peers to be issued to the persons who, if this Act had not been passed, would have been entitled to receive writs in the case of a vacancy among the Representative Peers.

"At each election of Representative Peers for Ireland every Peer qualified to vote shall be entitled to three votes, and may give all such votes to any one Peer or may distribute such votes amongst various Peers as he may think fit; and the three Peers who have the largest number of votes at such election shall be returned to sit and vote as Representative Peers for Ireland.—(*The Lord Inchiquin*.)

THE EARL OF COURTOWN trusted their Lordships would refuse to accept the Amendment. The main object at which the Bill aimed was to prevent the creation of fresh Peerages of Ireland, and so to provide for the ultimate absorption of the Irish Peerage into that of England. That object was secured by the 1st clause to which the Bill was now reduced. He opposed the introduction of the other clauses, not so much on account of their containing a plan of minority representation, which, however, he did not like, as that he considered them unnecessary and calculated to prevent the Bill becoming law this Session. He reminded their Lordships that the Committee appointed to consider the questions connected with the Peerages of Scotland and Ireland had unanimously recommended that a stop should be put to the creation of fresh Peerages of Ireland, and that their Lordships' House had unanimously adopted an Address to the Crown on the subject; it therefore appeared to him that it would

have been better that this Bill should be confined to that subject; but the noble Lord thought proper to introduce into it all the recommendations of the Committee relating to the Peerage of Ireland, and then in Committee took the unusual course of introducing Amendments which had been rejected by the Select Committee on the noble Lord's own Motion. Moreover, these provisions, if adopted, would create precedents affecting the Peerage of Scotland, if the Representative Peers for Ireland were increased, he did not see how they could refuse to increase the number of Scotch Representative Peers, and if the principle of the minority representation were adopted for Ireland it must be adopted for Scotland.

THE DUKE OF ARGYLL said, that if this was a question touching the Irish Peerage only he should not have dreamt of troubling their Lordships with any observations, so far as his knowledge of the question of representation went. So far as the proposal of the noble Lord (Lord Inchiquin) for a representation of the minority touched the Irish Peerage alone, it was a question of the very smallest proportions. He begged it to be understood that in saying so he did not mean anything disrespectful to the Irish Peerage—far from it—he only meant to assert that the adequate or inadequate representation of the Irish Peerage was not now, and was never likely to be, one of the “burning questions” of the day. Whatever vote they might come to, it would have the smallest, almost an infinitesimal effect on the political opinion or the course of politics in the country. Nevertheless, he thought that a real interest attached to the Motion of the noble Lord. In the first place, he thought the proposal was highly honourable to the noble Lord who made it, and highly honourable to the Irish Peerage in so far as they sympathized with it. A proposal made by a Conservative Peer of Ireland in fairness to the order to which he belonged, and of which he was a distinguished ornament, that they should be afforded a chance of having their political opinions represented in that House—for without the proposal of the noble Lord, they would have no such chance—was creditable to him and to the Peerage which he represented. It was perfectly true that the effect upon

the balance of political parties would be very small. They all knew well that the majority of Irish Peers were Conservatives, and the Liberal Peers a small minority. It was not very likely, even if the proposal of the noble Lord should be adopted, that the Conservative strength of the Irish Peerage would be very much affected as regarded its representation in that House; nevertheless it was important that the question should be discussed as regarded the principle itself and not as regarded its immediate effect. It appeared to him desirable to discuss in the first place the general principle of the representation of minorities, and, secondly, how far it was applicable to the Irish Peerage. It was now little less than nine years since he had the honour of following the noble and learned Lord on the Woolsack in a Motion which he made for giving effect to the principle of the representation of minorities. That was in 1867, and the division was a very remarkable one. That proposal was opposed by a Conservative Government then, as the proposal of the noble Lord opposite was now opposed by the present Government. It was opposed also by, he would not say a majority, but by a considerable number of his noble Friends behind him. In fact, it was carried by an insurrection of the back benches against the two front benches; and no doubt the result was greatly to be attributed to the influence of his venerable Friend Lord Russell. On the division the numbers were:—For the proposal, 142; against, 51; giving a majority of no fewer than 91. Since that time the principle had been carried into effect to a much larger extent in the Education Act. With respect to the representation on school boards, Parliament had decided that all over the country representation of the minority should be the principle of the law and constitution of this country. The question might arise, had the principle of the representation of minorities acquired a firm footing in the Constitutional system of the country? He was not quite sure that it had. It was applied, but to a very limited extent, in Parliamentary representation; and they must not conceal from themselves that, although on the whole it had worked without great friction in the case of the school boards, it had in some cases caused no slight degree of irritation—especially when the representative

chosen by a small minority was at the head of the poll. He did not believe the principle of the representation of minorities was altogether so safe and so secure as some of their Lordships might think, and he was anxious that those of their Lordships who were favourable to the principle had better take care in the votes they were about to give to-night. He thought that was the only instance in which a suggestion of what might be called the *doctrinaire* school of politicians had ever succeeded, and the first occasion on which Parliament had accepted their principles. Generally speaking, in all our advances towards greater political freedom we had generally proceeded on the old lines of precedent, and had hardly ever adopted any proposition founded on an abstract principle, and they ought to look with some anxiety whether they were secure in its application or not. They must not conceal from themselves that the principle of the representation of minorities was open to some real and valid objections. What was the great objection to the principle of the representation of minorities? The old principle of the Constitution was simply the representation of individual constituencies—county divisions, great towns and boroughs, each having individual men and interests that would be represented in Parliament. The principle was that each community should be considered a political unit—that each county constituency and each town or borough should be considered an individuality, and represented by its own majority. In 1867, when he followed the noble and learned Lord on the Woolsack, he could not help feeling that there was very great force in some of the objections raised by the noble and learned Lord against the principle of the representation of minorities on part of the Conservative Government, and many on that side of the House. But what was the answer of Lord Russell, who took the lead in that insurrection against the front Benches which was successful on that occasion? He said—“It is perfectly true this is an entire novelty in the Constitution of the country. The old principle is that every community should speak through its majority and take no notice of the minority;” but, he said, “observe the process that has begun, and which will unquestionably be carried further. You

are now doing away with a great mass of those small constituencies which were individualities of the Constitution, and you are accumulating Members in large towns and large divisions of the country which represent nothing but large masses of population. You are giving up the principle of individuality and accumulating Members in proportion to numbers.” He said—“In proportion as this process goes on you will be in danger of accumulating the whole political power of the country in one description of majority, and practically one class only would be represented in Parliament.” Lord Russell did not pretend to say that the destruction of small constituencies had yet gone to the extent that was dangerous to the Constitution, or that one Party only could be represented in Parliament; but what he represented to their Lordships, and what the noble and learned Lord on the Woolsack, in that very able and remarkable speech to which he had referred, had pointed out, was that this was a process that had begun, that would continue; and it was time for them to establish some balance to the abolition of small constituencies by securing to minorities some share in the representation. That was the view individually of Lord Russell; but if their Lordships referred to the debates that took place on that occasion they would see the arguments that then prevailed on either side of the House. Now he desired to ask, how far was this principle applicable to the case of the Irish Peerage? Was the Irish Peerage to be considered a constituency in the ordinary sense of the term? Was it an individuality in the Constitution that ought to be represented by its majority alone? Was it in the nature of a popular constituency, to speak through its own majority? He trusted the day would never come when they would consider the Peerage of England, Scotland, and Ireland as a body by itself—a separate political individuality, distinct from the rest of the community. That was not the position of the Peerage; and the principle of the 1st clause of this Bill, which was passed unanimously by the House, was that the Peerage was not to be considered a constituency to be indirectly represented in Parliament, and that the existing constituency as regarded Irish Representative Peers should be abolished

as soon as possible, and that no new Peers should be created to make up for those who might die or be created Peers of the United Kingdom. The principle of the Bill was that the Peerage was an honour which ought to be inseparably connected, as far as it could be, with a seat in Parliament—and that it was a misfortune that there should be Peers without a seat in Parliament. But what was the obvious remedy? Of course they could not give all the Peers of Ireland and Scotland seats in that House; but they could at least distribute the privilege of voting as much as possible over that body. That was all that was asked—to allow the minority to dispose of the votes they had upon the cumulative principle. Now, no doubt, they were told with accuracy by the noble Lord (Lord Inchiquin) that looking back to the history of the Irish Peerage since the Union, he could only find one instance in which there was an Irish Peer returned to the House who did not hold particular views; and the consequence really was that the minority should be absolutely disfranchised. He did not wonder that the noble Lord, feeling great interest in his order, should characterize this as a great injustice. In point of fact it was a clear case of injustice to the individual Members of the Peerage, and the introduction of the principle of cumulative voting was quite consistent with the 1st clause, because it was only in that way that the minority could exercise the privilege of obtaining representation. He trusted the House would look a little beyond the immediate results of the question upon the Irish Peerage. We were now in the middle of what might be called, and had been called, a great Conservative re-action. It was a very dull time in politics, and there was not much danger of any great changes being proposed. But the re-action would not last for ever. The time of political change would come—a change which their Lordships might not be very well able to resist; and what would be the effect of a vote refusing to allow the principle of representation to minorities? They would be put out of Court. He should not wonder very much if it tended to checkmate and thwart the influence of the House in a sense to which they committed themselves in 1867. One other consideration he wished to refer

to—the effect of all these changes in raising the character and intellectual representation of that House. They were differently situated from the House of Commons—there was a larger number of Peers in that House independent of Party than there were generally in the House of Commons. It was more necessary in the House of Commons that Party organization should be powerful; but there were occasions, such as that to which he had referred, on which the House of Lords was very apt to form an independent opinion, free from all Party discipline. This was, in his opinion, an element, not of weakness, but of strength and security to the House of Lords. Many of their Lordships might remember an anecdote of Mr. Pitt, when, on an occasion of great political interest to the future of this country, he was asked what part of the Constitution he thought would be the first to give way? and, after a few moments' consideration, he said—"The House of Lords." Now, his own impression was that since the days of Mr. Pitt the changes which had been made had tended rather to strengthen than to weaken the House of Lords. He recollected a noble Friend of his who spoke of the great changes which had been made in the House of Lords since his early days, and used to lament it—"Formerly," he said, "there was a certain number of old Whig families and old Tory families whose votes could be counted on with perfect accuracy, so that everybody knew what the result of a division would be. But now it is impossible to do that, so many new Peers have been created and so many new families introduced to the Peerage." His Friend deplored that change; but he (the Duke of Argyll) rejoiced at it. A noble Lord opposite (Viscount Midleton), speaking the other day of this Bill, alluded with some asperity to the number of new Peers created by the late Government, very much exaggerating the number. No doubt, from time to time changes had been made of additions to the numbers of their Lordships against successive Governments; but for his own part, he heard the complaints made on that score, whether against one Government or another, with very little sympathy. He believed it to be for the good of the House that both political Parties when they had an opportunity

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should recruit the benches of this House with able and accomplished men who had done good service to their country—ay, and who had done honourable service to their Party. He believed, on the whole, that by such a process the House was strengthened in its representative character and in its reputation with the country. He believed the old families would be always able to hold their own; but who could deny that the country was proud of the additions of intellectual power which had been made to their Lordships' House by noble Lords introduced during the last 10 or 20 years? He would ask whether the tendency would not be in the same direction if they were to give to the Liberal minority of the Irish Peers at least a partial representation in their Lordships' House. Without saying that minorities were always right—which, indeed, it would be foolish to say—and majorities always wrong, this he would say—that men whose opinions were opposed to those of the great majority of the body with which they were connected were just as likely to be right as the majority. Looking to the tendency of what was sometimes called Liberal opinion in Ireland, he would like to see specimens of Peers who, in the face of the peculiar circumstances of their country, had been able to maintain their ancient hereditary traditions. He hoped this House would not be influenced on this occasion by Party considerations, or by the observation that had fallen from the noble Earl (the Earl of Courtown); but that looking to the influence his vote would have on their future deliberations, they would not throw away the opportunity they were now offered of adding the names of distinguished men to the representation of the Irish Peerage.

THE LORD CHANCELLOR said, he would be glad to say a few words, more particularly after the allusion of the noble Duke (the Duke of Argyll) to the part he had taken on the question of the representation of minorities. He entirely agreed with the noble Duke that this was a question which might be discussed by their Lordships without the least infusion of political considerations, and without any fear that it would have any effect on the political composition of that House. The Bill of his noble Friend (Lord Inchiquin) was a Bill connected with the Irish Peerage, and intended to

remedy an admitted evil with respect to its representation; but in the course of its passage his noble Friend had originated another subject which was not connected with the Irish Peerage alone, but quite as much with the Scotch Peerage. Now, if it should be their Lordships' opinion that any change should be made in this matter, it should be made not in a Bill dealing with the Irish Peerage, but one applying to the mode of election both of Irish and Scotch Peers. Their Lordships would remember that the present mode of election of Irish and Scotch Peers was regulated by the Acts of Union with both countries. Their Lordships' object, if it could properly be done, was to provide for the ultimate absorption of the Scotch and Irish Peerages. Those Peerages were now in a state of transition. The Scotch Peerage was hastening to absorption, and before long would be reduced to such a number that there would not be more Scotch Peers than there were at present Scotch Representative Peers. In the case of the Irish Peerage the transition was not so rapid:—and the object of the present measure was to put it on the same footing as the Scotch and provide for its extinction. Now, he had not altered his opinion in the slightest degree with respect to the representation of minorities from the time when he moved the proposition which their Lordships had accepted and was now the law. He quite admitted the accuracy of the description of the noble Duke, when he termed the constituencies units of representation, and that it was necessary to provide for a representation of the minority in places where large masses were accumulated, and this was what was done in 1867 with his entire approval. The original constitution of this country was that every community which elected Members elected two—there was no such thing as the election of one Member. In the process of time by disfranchisement some constituencies came to elect only one Member, and some counties were allowed to elect an additional Member. In the Bill of 1867 their Lordships were entering upon a course of augmenting the Representatives of various constituencies—and he maintained that they arrived at a wise conclusion in what they had done. But let their Lordships contrast the necessity of what they did then with the present

case. What was the position of one of those boroughs which was to elect three Members? It might be a borough with 12,000 voters, 7,000 of one way of thinking and 5,000 of another. If the majority elected the whole three Members, the constituency of 5,000, as he might call the minority, would be entirely unrepresented, for they had no means of being represented in any other way. But that was not the case with the Irish Peerage. Here there were about 100 Peers, who elected 28 Representatives. The majority in politics elected 28 Representatives of their own views. What was the case with the case with the minority? Were they unrepresented? He took the liberty of stating on a former occasion what he found to be the fact—namely, that since the Union, so far was the minority from being unrepresented, there were actually made out of the Irish Peerage no fewer than 61 Peers of the Realm. He did not mean that they were all on one side of politics, but he believed the large majority of those so created were of Liberal politics. A noble Friend of his (Lord Dunsany) who was connected with Ireland, said the other night it was perfectly well known that if there was an Irish Liberal Peer who desired to become a Member of their Lordships' House, he stood two elections, was defeated, and then he was made an hereditary Peer. Those persons, therefore, who represented the minority were introduced into this House, and there were as many such Peers, or nearly so, who had been made Peers of the Realm as there were Representative Peers of Ireland. The difficulty was to introduce such a principle of voting as had been proposed into elections of this sort. These elections were for life. The principle of cumulative voting would therefore not only hold out an inducement, but would almost make it compulsory on the electors to choose as far as they could young Representatives in the place of those who might be more fit from their experience and otherwise, but who might be older. If one party were to choose young Representatives and the other those who were more advanced in life, the result would be against the party who chose the latter. By minority voting, therefore, you created a strong temptation to sacrifice fitness in order to obtain a longer hold on the representa-

tion. This case was one in which none of the principles urged by the noble Duke properly applied. The House was asked to deal with Peerages which in process of time would, he hoped, be absorbed in the Peerage of the United Kingdom, and he thought it would be unwise to alter the system of Representative Peers which now prevailed.

LORD O'HAGAN said, he heard with extreme regret that the Government had not seen their way to accept the proposition of the noble Lord; for neither upon the last occasion when this subject was discussed, nor upon the present, had he heard any sufficient reasons urged against the merits of the proposal for the representation of the minority. No one had attempted to controvert the statement that there was a great grievance, or had shown why the Government should not attempt to remedy that grievance. It was said that the proposal was inopportune. The question, however, came legitimately before their Lordships, after full consideration by a Committee, and why should the occasion be deemed unfit for doing an act of simple grace and justice? The Committee recommended that four Representative Peers should come into this House in the place of the right rev. Prelates who formerly sat here. They agreed as to the right of Ireland to have 32 Representative Peers in accordance with the arrangement made at the Union. It was not because there were four Irish Bishops in the House of Lords that the number of Representative Peers was so fixed at that period. The number was fixed with reference to the numbers of the Scotch Peerage. Unless the present occasion was used to remedy the grievance now complained of, no other opportunity might arise for many years to come. Then, it was said that the question indirectly affected Scotland. But why should justice to the Irish Peerage be postponed till the Scotch case came before the House? There was an admitted wrong to be rectified, and their Lordships ought not surely to refuse to redress the grievance of Ireland because hereafter the same redress might be necessary in the case of Scotland. As to the minority vote, he thought the principles enunciated by the noble Duke (the Duke of Argyll) applied in effect and in essence to this case as strongly as to cases in which the representation

of thousands of persons was concerned. The majority of Irish Peers would not be induced to elect a single member of the minority, who were thus deprived of all opportunities of political influence or political activity. If the concession were made there would be no appreciable increase of power on that side (the Opposition) of the House; the balance of political power would remain unchanged, whilst an act of grace and justice would be done. It was a case in which, for the interest and honour of the House itself, some redress should be given. The Irish Lords at the time of the Union had made a sacrifice for a supposed public advantage, but they had not received the compensation to which they were entitled, by being associated in fair proportions with the Peers in this House. There was a manifest personal grievance. Within the last three months a Representative Peer for Ireland had been elected, and the oldest Baron in the Empire had been on that occasion a rejected candidate. Was it desirable that the political representation of Ireland in this House should be all on one side, and that the Party who were notoriously not in sympathy with the great body of the Irish people should alone be represented here? In the House of Commons the majority of the Irish people were adequately represented, while here that majority was absolutely not represented at all. Would it be tolerated for a moment that the English Peerage should be so arranged as to sustain the views of only one of the political parties in this country? Of course it could not, then why should a different measure be meted out of Ireland? Why should one third, at least, of the Irish Peers be denied the possibility of a fair proportional representation? He trusted that the House would accept the clause to which no valid objection had been offered by any one.

LORD DUNSANY said, that although the Liberal Party were willing to consent to a minority vote, they would not agree to a future increase of the Irish representation. Of course if the Government did not support the present proposition there could be no hope of carrying it through the other House.

EARL GRANVILLE said, there appeared to be some misrepresentation as to the course which noble Lords on that side of the House intended to pursue.

After what was stated the other day, he thought it was generally admitted that a grievance existed, and in order to provide a remedy they were prepared to sacrifice some portion of the objection they felt, and would not oppose the immediate addition of two Peers to the Irish Representatives in that House. With respect to the general question of giving the Irish Peers a minority vote, he should follow the noble Lord into the lobby with the utmost cordiality. There could be no doubt that a great grievance existed, and he did not think it would be met by the power that the Government possessed of creating Irish Peers, Peers of the United Kingdom. As a matter of fact, he believed of the last 80 Irish Peers created English Peers about 50 were Conservatives. He was not quite so strong on the minority clause as some of the noble Lords who had addressed the House, because he did not think that there was so much reason for its adoption among the Irish Peerage constituency as among the voters of the English borough constituencies, or for the school boards. It had been said that young men would probably be elected because they would remain the longer in that House. He doubted whether this would be the result; but even if it were, a certain infusion of youthful Irish blood would not be wholly undesirable in an assembly composed chiefly of middle-aged men.

On Question? Their Lordships *divided*:—Contents 54; Not-Contents 66: Majority 12.

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Grafton, D.	Halifax, V.
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Airlie, E.	Auckland, L.
De La Warr, E.	Belper, L.
Devon, E.	Calthorpe, L.
Fortescue, E.	Carlingford, L.
Granville, E.	Carysfort, L. (<i>E. Carysfort.</i>)
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Ilchester, E.	Elgin, L. (<i>E. Elgin and Kincardine.</i>)
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Stanhope, E.	Saltoun, L.
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Hardinge, V.	Templemore, L.
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Hutchinson, V. (<i>E.</i>	Westbury, L.
<i>Donoughmore.</i>)	Winmarleigh, L.

Resolved in the Negative.

LORD INCHQUIN moved to insert new Clause (B)—

"Upon the Lord Chancellor's being satisfied that any person, being a Representative Peer of Ireland, shall have hereafter become entitled by creation or descent to an hereditary seat in the House of Lords, the seat of such person as a Representative Peer shall be deemed vacant."

THE DUKE OF RICHMOND AND GORDON objected to the clause.

Motion (by leave of the House) *withdrawn*.

On the Motion of Lord INCHQUIN, Preamble amended by inserting before ("Whereas")—

"Whereas in the last Session of the present Parliament of Her Majesty Queen Victoria an humble Address was presented to Her Majesty by the Lords Spiritual and Temporal in Parliament assembled, praying Her Majesty that the power conferred on Her Majesty under the Act of Union for the creation of Irish Peers may not stand in the way of the consideration by Parliament of any measure relating thereto that may be introduced: And whereas to the said Address Her Majesty was graciously pleased to return the following answer: 'Relying on the wisdom of Parliament I do not desire that the powers reserved to Me by the Act of Union of making creations and promotions in the Peerage of Ireland should stand in the way of the consideration by Parliament of any measure that may be introduced on that subject: And.'"

Preamble, as amended, *agreed to*.

Bill to be read 3^d *To-morrow*, and to be *printed*, as amended. (No. 75.)

House adjourned at half past Seven o'clock,
till *To-morrow*, half-past
Ten o'clock.

HOUSE OF COMMONS,

Monday, 8th May, 1876.

MINUTES.]—SUPPLY—*considered in Committee*
—COAST GUARD SERVICES, &c.

PUBLIC BILLS—*First Reading*—Oxford University * [146].

Second Reading—Poor Law (Scotland) [130].

Committee—*Report*—Merchant Shipping [42-144]; Local Government Provisional Orders, Briton Ferry, &c. (No. 4) * [134]; Local Government Provisional Order, Skelmersdale (No. 5) * [135]; Chelsea Hospital Accounts * [133]; Small Testate Estates (Scotland) * [107-145].

Third Reading—Poolbeg Lighthouse * [140], Pier and Harbour Orders Confirmation (Aldborough, &c.) * [131], and *passed*.

Withdrawn—Indian Legislation * [54].

METROPOLIS GAS ACT, 1860—GAS COMPANIES' ACCOUNTS.—QUESTION.

SIR CHARLES W. DILKE asked the President of the Board of Trade, When the accounts of the Metropolitan Gas Companies will be presented?

MR. W. H. SMITH: When the Gas Companies' accounts have been received, they shall at once be presented. The Metropolis Gas Act, 1860, does not require those companies that are still under its provision to send in their accounts until two months after their general meeting. It is not probable, therefore, that all these accounts will be received at the Board of Trade till the middle of June.

**METROPOLIS IMPROVEMENTS—
NORTHUMBERLAND AVENUE.**

QUESTION.

MR. ANDERSON asked the Chairman of the Metropolitan Board of Works, If any building lots are yet sold on Northumberland Avenue, and if it is, for any other reason, too late to make a slight change in the line of the street so that it may open to Trafalgar Square on the line of the Nelson Monument; and if he has no objection to postpone the sale of building lots and endeavour to carry out the improvement indicated?

SIR JAMES HOGG, in reply, said, that the building lots in question were not yet sold, but the tenders were prepared, approved, and ordered to be issued. There was a great deal of misapprehension in the public mind in respect to Northumberland Avenue. In 1873, the date of the Charing Cross Act, the Bill brought in by the Metropolitan Board of Works put the Nelson Monument opposite the centre of the street. That Bill went before a Select Committee, and evidence was given by several eminent engineers and architects, including Sir J. Bazalgette, Mr. Hardwicke, Mr. Wyatt, Mr. Barry, and others, recommending an alteration of the street from the line recommended by the Metropolitan Board of Works to that which had since been adopted, and the alteration, which was approved by Parliament, rendered it necessary that the Board should bring in another Bill in 1875, called the Additional Powers Bill. That Bill dealt with the taking away of property which had cost the metropolis an additional £25,000 for the purpose of meeting the views of Parliament, and that large sum of money having been spent, he did not think it would be right now to delay the sale of the building lots or the carrying out of the improvement. He might add that those who gave evidence in favour of the

scheme considered that the manner in which it had been carried out was most for the public advantage. With respect to another Question on the Paper by the hon. Member for Peterborough (Mr. T. Hankey), he had to say that a model plan upon a considerable scale had been prepared, and left in the Library of the House for inspection. Parliament had now disposed of the whole matter, and the street had been completed and handed over to the Vestry of St. Martin-in-the-Fields, and for these reasons he was afraid that he could not adopt the suggestions of the hon. Member.

**ELEMENTARY EDUCATION ACT—
LONDON SCHOOL BOARD.—QUESTION.**

MAJOR JERVIS (for Lord FRANCIS HERVEY) asked the Vice President of the Council, If he could state what is the cause of delay in presenting the Return ordered from the School Board for London so long ago as March 16th, and when the Return will be in the hands of Members?

VISCOUNT SANDON: I forwarded the Question of my noble Friend to the School Board, and I am informed, in reply, that the Return has required a great deal of labour, it having been necessary to get special returns from the divisional committees respecting the enforcement of the bye-laws. The answer also states that they regret that it will require two or three weeks more before the Return will be in a condition to be passed by the statistical committee of the Board, so that it cannot be sent to us before the first week in June.

CRIMINAL LAW—EXPENSE OF EXECUTIONS.—QUESTION.

MR. FORTESCUE HARRISON asked the Secretary to the Treasury, Whether the Lords Commissioners of the Treasury have declined to pay the expenses incurred by the burgh of Dumbarton in the execution, on the 19th of October last, of the convict David Wardlaw; and whether they did so on the ground that the expenses attendant on the execution of criminals within the limits of any Royal Burgh in Scotland must be defrayed by the burgh itself, and are not chargeable on the public funds; and, if so, whether, in thus deciding, they were guided by the legal advice of the Lord Advocate; and,

whether this is in accordance with the practice which has been hitherto followed in England, Scotland, and Ireland in similar cases?

MR. W. H. SMITH, in reply, said, the Treasury had declined to pay the expenses incurred by the borough of Dumbarton in the case referred to, the practice being that burghs in Scotland pay the expenses of the execution of criminals within their jurisdiction. In England the sum of £10 was allowed to a sheriff charged with the duty of the execution of a convict, and he presumed that charge was allowed, inasmuch as if the sheriff could not get any person to carry out the execution he should do so himself.

CRIMINAL LAW—THE CONVICT
STANDRIDGE.—QUESTION.

MR. WADDY asked the Secretary of State for the Home Department, Whether his attention has been called to statements in several papers attributing undue severity to Mr. Justice Denman in the case of Mr. Standridge, a schoolmaster, near Exeter; and, whether there are any grounds for the imputation?

MR. ASSHETON CROSS, in reply, said, his attention had been called to the paragraphs in question, in which it was stated that protests had been made by Teachers' Associations in the county against the severity of the sentence passed upon the convict Standridge, that at length Mr. Justice Denman had written to him recommending a mitigation of the sentence, and that it was then discovered that the man had become insane in consequence of the sentence passed upon him. These statements were inaccurate in almost every particular. The facts were that the prisoner pleaded guilty to a most atrocious crime, for which, under ordinary circumstances, very severe punishment ought to be given. No facts transpired at the trial, nor was anything urged by himself or by any one on his behalf which could justify any mitigation of the sentence. But the learned Judge, from certain expressions in the depositions and from his own observation of the conduct of the prisoner, suspected that he was not altogether sane. He (the learned Judge) accordingly made inquiries on this subject, voluntarily, without any remonstrance or suggestion from any other

source. The result result was to confirm Mr. Justice Denman's doubts whether the man was responsible for his acts, and the learned Judge immediately reported this doubt to him (Mr. Cross) and suggested further inquiry. He (Mr. Cross) had in consequence directed an inquiry by two medical officers and from their report there could be no doubt that the prisoner was insane now and was insane at the time he committed the act. He was accordingly removed at once to a lunatic asylum; but it was certainly putting the cart before the horse to say that the severity of the sentence had driven the man insane, for he was insane before he committed the crime, and the discovery of that fact was entirely due to the learned Judge.

MERCHANT SHIPPING BILL.—[BILL 49.]

(Sir Charles Adderley, Mr. Edward Stanhope.)

COMMITTEE. [Progress 4th May.]

Bill considered in Committee.

(In the Committee.)

SIR CHARLES ADDERLEY appealed to the hon. Member for Newcastle (Mr. Cowen) to withdraw his clauses on "arrest without warrant" and on "official logs," on the ground that these subjects did not come within the scope of the present Bill.

MR. J. COWEN said, in answer to the appeal of the right hon. Gentleman, he would withdraw the clauses for the present. He would admit the force of the objection that the Bill did not really deal with the question of discipline; but he should reserve to himself the power to consider whether at a future stage he should not propose them again.

New Clauses (Restriction on power of arrest without warrant) and (Official logs), by leave, *withdrawn*.

MR. PLIMSOLL, in moving the insertion of new Clause after Clause 27:—

(Registered British ships if disclassed to be deemed unseaworthy until surveyed by Board of Trade.)

said, that he had carefully considered the objections that had been urged against a clause which he had previously proposed upon the subject, and he believed that by the clause which he now proposed it would be possible to reach unseaworthy ships without the clause being open to the objections which had been previously raised. The clause, no doubt, would not reach ships which had

never been classed at all, yet it would reach most of the vessels which would have been reached by the fuller treatment which he had previously suggested. As the Bill would not come into operation until the 1st October, there would be ample time for vessels to be re-classed, and the Board of Trade would only have to deal with the residuum.

New Clause (Registered British ships if disclassed to be deemed unseaworthy until surveyed by Board of Trade,)—(*Mr. Plimsoll*,)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. SAMUDA thought that the clause would be very serviceable, though he believed that some alterations in its wording would be found necessary. He questioned the wisdom of putting upon the Board of Trade the responsibility of ordering the repair of ships, because that would fix the Department with the duty of fixing the extent of the repairs to be effected.

MR. RATHBONE considered the mere registration of ships which had run off their class would not be effective. There were thousands of ships now unclassed which were as safe both for passengers and goods as those which were classed highest. Indeed, it was in connection with the latter that the greatest loss of life and property occurred during the last two years. He objected to the Board of Trade survey on the ground that the surveyor, being unacquainted with any other than first-class ships, might expect too much in the case of ships of an inferior rating. He was of opinion that before they passed a clause of this sort it would be desirable to see whether the legislation that they had already passed would not be effective for the purpose. He admitted that the present clause was not open to some of the objections urged against the first proposal of the hon. Member for Derby (*Mr. Plimsoll*), but he could not help thinking that it would press very hard upon a very large trade. A ship might not be perfectly sound, yet it might be quite fit to carry timber across the Atlantic, and it would be a hardship if these vessels were required to be surveyed and classed.

MR. HERMON supported the clause, on the ground that while it would not press very heavily upon shipowners, it would tend to the security of the lives of passengers and of sailors at sea. He hoped that the hon. Member for Derby (*Mr. Plimsoll*) would persist in his endeavour to pass the clause, though he agreed that it would require some alteration to make it work. The fact of a certificate having been withdrawn was *prima facie* evidence that there was something wrong, though it was not sufficient to warrant the giving of a character of that kind to the ship at once.

MR. MUNDELLA, speaking as the chairman of one of the largest marine insurance companies in England, had never heard any objection raised among shipowners against the principle of this clause. He saw no reason why the Government should not undertake the survey of these unclassed ships, which ought either to be broken up or repaired. He agreed, however, that the clause, as it stood, might be regarded as a reflection upon all unclassed ships; though this would be met by providing that all such ships should be surveyed.

MR. NORWOOD strongly objected to the clause. It was really, though under a thin disguise, the clause which they had already decided upon, and it was based on a misconception of the object of Lloyd's register. The object of the Bill was to protect life at sea, whilst the register at Lloyd's was to class vessels for carrying cargo of specific kinds. A vessel might not be fit to bring home in perfect condition tea or silk from China which might yet be perfectly safe at sea; and it was very possible for a vessel to relinquish her class at Lloyds' without being at all unseaworthy. There were thousands of vessels which were quite safe to carry human beings, although they were unclassed. The object of the clause was an insidious one—to get the House of Commons to recognize Lloyd's and the Liverpool Register as standards of efficiency, and thereby place the whole Mercantile Marine virtually under their control. There would be danger in putting trust in Lloyd's or other survey, as it would absolve owners from responsibility. The *Lady Macdonald* went on shore from a defect in her ground tackle; but the captain had to be absolved from all blame, because he had

a certificate from Lloyd's that the vessel was in perfect order. If there was to be a survey, it should be carried on by the Government and not by a body like Lloyd's. The clause was, to his mind, insidious, dangerous, and unsatisfactory, and he trusted that the Government would refuse to adopt it.

LORD ESLINGTON said, the clause involved the principle that had been under consideration for five long years, and the House had over and over again deliberately accepted the alternative principle that responsibility should rest on the shipowner. Disclassed ships would apply to all unclassified ships. Now what the hon. Member for Derby wanted was to get at that dangerous class of ships of which nothing was known. It would cause a compulsory survey, and that would have to be followed by a certificate of some kind. And a man having shown that he had spent £500 in the repair of his ship a short time before would not, in the case of his ship having taken the ground and strained, and being sent to sea unrepaired, within the time for which she was classed, be convicted of an offence under this Act. If in the interests of safety they were to have a Government survey they would come back into the old circle out of which they did not appear to be able to emerge. He was not prepared to say that they had gone on the best principle, but they should give it a fair trial, and if it broke down, they must perforce fall back upon upon the principle they had rejected. He would rather they should adopt the survey of Lloyd's or the Liverpool Register than increase the powers of the Board of Trade. He wanted to see how they would do the work which had already been put on them.

MR. W. E. FORSTER said, that the vessels which would be affected by this clause were such as had been on the register, but were there no longer. Was it undesirable to point out to the Board of Trade that if those vessels could no longer be classed by insurance companies, the Board of Trade ought, for the safety of the lives of the people, to see what condition those ships were in before they left port? He was in favour of the principle of the clause of the hon. Member for Derby, which he thought fitted in with Clause 5 of the Bill. It would be most unwise not to take advantage for the purposes of that Bill of societies like

Lloyd's Committee, even although they were not primarily established for saving of life. There was a large class of ships against which there was a *prima facie* ground of suspicion, because having gone to those register societies for a character, they found they could not get one. All that the Board of Trade was asked to do was to see that those vessels did not leave port without a survey.

SIR CHARLES ADDERLEY said, that the speech of the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) was conclusive against the principle of the clause, for a ship being classed was no doubt an indication of safety, but it was by no means a proof of it. When a ship was not disclassed, but expunged from the list of any registry within the term for which the ship was surveyed and classed, it was *prima facie* evidence of unsafety, and in such a case the Board of Trade having received information from Lloyd's or elsewhere would proceed to have it inspected and reported upon. If the clause were carried, the Board of Trade would have to keep itself in constant communication with every shipping association in the country, and upon all disclassed ships there would have to be a Board of Trade survey, possibly without any reason or use, for it was most unreasonable to hold that a disclassed ship was necessarily unsafe. That would reverse the existing practice of suspicion first and inspection afterwards, and would be the first step towards substituting a Government survey for individual responsibility—a principle against which the House had so often decided. The hon. Member for Derby proposed that if a ship was for any reason disclassed that fact should be taken as conclusive proof that her character for seaworthiness or insurance was gone; but it was not true either that being classed was a proof of safeness, or that being disclassed was a proof of unsafeness. In a return of the ships detained by the Board of Trade for defects not only in the machinery, but also in the hull, among them were many that were classed "A 1" at Lloyd's. The classification at Lloyd's was not made with general regard to safety, but with regard to fitness for particular kinds of cargo on particular voyages; and after vessels had run out the period for which they had been classed, many poor shipowners

bought them for purposes for which they were perfectly safe—for example, as coasters; and those persons ought not to be compelled to class them again. The hon. Member called upon the Board of Trade to re-survey ships which had been expunged from the register of any society; but how was the Board of Trade to get into communication with all societies? Ships might cease to be classed, to avoid the penalty of disclassing. He did not see in what way the shipowners would be compelled to carry out this clause. The hon. Member said it was the duty of the Board of Trade to repair all these ships, but who was to pay for their repair? Ships might be intentionally disclassed to get Government repair and certificate. The clause was very imperfectly drawn, and he trusted that it would not receive the assent of the House.

MR. RYLANDS said, the right hon. Gentleman the President of the Board of Trade had raised difficulties which really had no existence. So far as the clause was concerned, it simply provided that if a ship had no character, the Board of Trade was to assume that it was not in a satisfactory condition—that it required a certain amount of supervision—and consequently the Board would require a survey to be made of the vessel. He understood that the object of the Bill was to secure the protection and safety of life. He reminded the Committee that the rate of insurance was a rate which marked distinctly the risk to human life which attached to the ship herself. As soon as a vessel was in such a position that it could not be insured at a low rate, they might rely upon it that the vessel had become more or less unsafe. He was able to tell the Committee a fact of very great importance. He had a statement before him which gave the experience of certain insurance companies in relation to second-class vessels. It professed to give actual experience of insuring ships for 25 years, and it showed that the loss of properly registered ships was only 4½ per cent, while, in the case of a large number of disclassed vessels the actual loss during 25 or 30 years had amounted to from 20 to 25 per cent. The proposal of his hon. Friend the Member for Derby (Mr. Plimsoll) was simply a plan by which, as far as possible, these vessels of which from 20 to 25 per cent had been

lost, should be prevented from sailing in future. That, in point of fact, was the issue before the House. They were told that the Government could not rely upon the reports supplied to them from a private source. Was that the case in regard to the College of Surgeons? That was not a Government Department, and yet a certificate was accepted from that body, that a gentleman was fit to exercise the medical profession. His fear in regard to the present Bill and the policy of the Government was, that there would be a large number of permanent officials called into existence in connection with the Board of Trade, and he had a strong impression that the Government would harass the shipowners and inaugurate a policy which, instead of tending to the safety of human life, would have an exactly opposite effect. He hoped the Committee would support the proposal of his hon. Friend.

MR. J. P. CORRY said, he was glad to find the Government were going to resist the adoption of this clause. He thought the House ought to understand that classification did not always mean seaworthiness. Many of the vessels that were classed at Lloyd's were not so good as others that were unclassed, and could be insured on as easy terms. The fact was, that the seaworthiness of vessels depended more upon the builders than upon any classification by the London Lloyd's or Liverpool Lloyd's. He hoped that the Committee would reject the clause, the result of which would be to drive first-class shipowners from classing their ships at all.

MR. A. PEEL objected to the clause, because it made the disclassing of a ship *prima facie* evidence against a vessel's character. The fact of a vessel's falling from one class to another, or falling out of class altogether, would not justify the belief that a ship was unfit to go to sea. It appeared from the evidence taken before the Royal Commission that when a vessel was classed at Lloyd's as of a high class, it was the practice to have what was called a half-time survey, which enabled the vessel after half the period of her classification had expired to renew and continue the period of her classification. It was a very severe survey, and shipowners objected to it; and perfectly good ships would under this clause lose their character because they had lost their class. It was also

stated before the Royal Commission that there might be cases at Lloyd's where a black mark was put against a ship without her being defective, the black mark being put against her simply because she had not complied with the necessary survey. What would be the effect of such a proceeding? The question was one as between the shipowner and the society in which he registered his ship, and not one as to the fitness of the vessel to preserve human life. It would be *prima facie* evidence against the character of the ship, although she might be perfectly seaworthy. But he took a wider objection to the clause. He objected to the transmutation of voluntary systems, created for purposes of commercial convenience, into instruments of Government interference. The principle on which they had been proceeding was that of trying to remedy evils without indulging in the Utopian hope that they could altogether prevent them. The clause contemplated the case of any British ship classed at any time in the registry of any society. There was nothing in the clause to limit it to registered societies. Under it any voluntary society might take upon itself to survey and classify ships—it might be a bogus society. He regarded the clause as a mischievous one. It ran counter to the deliberate policy which had been pursued for some years past, and he was glad the Government had opposed it.

MR. MACGREGOR said, if the clause established the compulsory survey of all vessels he would support it; otherwise he should vote against it. The Committee should hesitate before mixing up the Government with those societies, and putting the shipowners into a position of antagonism with them. He hoped the clause would not be carried, because he believed it would make shipowners unwilling to class their vessels at Lloyd's at all.

MR. MAC IVER supported the clause, because he believed it would have the effect of lessening the improper powers given to the Board of Trade under Clause 5, the effect of which could not, he said, be other than to place every vessel more or less under suspicion, unless surveyed by the Board of Trade. The principle of compulsory classification on whatever principle was not so bad as compulsory survey on the complaint of the crew.

Mr. A. Peel

MR. HENLEY said, the fact of a vessel losing her class would be a fair ground on which to allege unseaworthiness and to insist on her being surveyed. It was quite a different thing, however, to make it incumbent on the Government to watch all the circumstances connected with every vessel, and it seemed to him that the clause would impose a statutable obligation on the Government which it would be impossible for them to perform: how would it be possible that a ship which had been absent three or four years should come within their knowledge? He did not believe that the object of the hon. Member for Derby would be attained by the means he proposed, and advised the hon. Member to withdraw the clause.

MR. PLIMSOLL maintained that vessels of no class were more likely to be unsafe than the others, and that Lloyd's possessed the confidence of all but a very small number of the shipowners of this country. He contended that he had shown sufficient and substantial grounds for the adoption of the clause. The Government Bill on this point did not even touch the fringe of the question, and he should certainly take the sense of the Committee upon the subject. The President of the Board of Trade had argued that the disclassing of a ship was not *prima facie* evidence of unseaworthiness; but it was remarkable that of all the long list of vessels destroyed by the Board of Trade not one was a classed ship. He knew he should be defeated on a division, but the fact that the Government had refused the clause was an intimation of their determination to the people of this country that they would not move hand or foot to prevent unseaworthy vessels going to sea.

Question put.

The Committee *divided*:—Ayes 116; Noes 235: Majority 119.

MR. T. E. SMITH moved the insertion of the following new clause:—

(Passenger certificate by Board of Trade to render a second survey under Passenger Acts unnecessary.)

“In every case where a passenger certificate has been granted to any steamer by the Board of Trade under the provisions of ‘The Merchant Shipping Act, 1854,’ and remains still in force it shall not be requisite for the purposes of the employment of such steamer under the Pas-

passengers Acts, that she shall be again surveyed in her hull and machinery in order to qualify her for service under the Passengers Acts 1855, and the Acts amending the same; but for the purposes of employment under those Acts such Board of Trade certificate shall be deemed to satisfy the requirements of the Passenger Acts with respect to such survey, and any further survey of the hull and machinery shall be dispensed with, and so long as a steamship is an emigrant ship, that is a passenger ship within the meaning of the Passengers Act 1855, and the Acts amending the same, and the provisions contained in the said Passengers Acts as to the survey of her hull, machinery, and equipments have been complied with, she shall not be subject to the provisions of 'The Merchant Shipping Act, 1854,' with respect to the survey and certificate for passenger steamers, or to the enactments amending the same."

New Clause (Passenger certificate by Board of Trade to render a second survey under Passenger Acts unnecessary,)—(*Mr. Thomas Eustace Smith*,)—*brought up*, and read a first time.

On Question, "That the Clause be read a second time?"

SIR CHARLES ADDERLEY said, he was prepared to accept the clause, on the ground that it would do away with a needless duplication of survey in some cases at present existing.

MR. W. E. FORSTER hoped the adoption of the proposed clause would not exempt passenger ships from periodic survey.

SIR CHARLES ADDERLEY said, that, as a fact, passenger ships so certified were surveyed yearly.

Question put, and *agreed to*.

Clause read a second time, and *added* to the Bill.

MR. WILSON, in moving the insertion of a new clause, enabling British ships to render assistance in the way of salvage or towage to vessels in distress, without being responsible for possible injury inflicted upon the distressed vessels in the attempts to assist them; and which clause also laid down rules as to the mode in which claims for towage or salvage should be assessed, and, if necessary, recovered, said, the task of assisting vessels in distress was often one of great difficulty, and in the present state of the law the assisting ship was liable to make good any injury it might inflict in the course of its efforts to save property or life. This was an anomaly that ought to be remedied.

SIR CHARLES ADDERLEY opposed the clause, on the ground that it would in one part be a mere recitation of the existing law, and in another a dangerous extension of the law, entirely without the scope of the Bill.

Clause *negatived*.

MR. PLIMSOLL moved the insertion of a new clause, relating to danger and distress signals at night, which required all British ships to carry two or more distress signal-lights, which should be self-igniting in water and inextinguishable by wind and water, and showing an intensely brilliant light for at least 30 minutes, and visible for six nautical miles; and also requiring such ships to carry three or more life-buoy rescue lights.

SIR CHARLES ADDERLEY conceived that the proposal was quite within the existing law so far as passenger and emigrant ships were concerned. To pass an Act of Parliament to this effect would be going further than Parliament could enforce, because it would be impossible for the Board of Trade to see that such a law was carried out in all ships; but he would bring up on the Report a modification of the clause restricting it to passenger and emigrant ships and such ships as came within the survey of the Board of Trade, if that would satisfy the hon. Member.

MR. PLIMSOLL accepted the promise of the right hon. Gentleman.

Clause, by leave, *withdrawn*.

MR. M'CARTHY DOWNING proposed the insertion of a new clause, providing that—

"It shall be lawful for the Board of Trade, with a view to the prompt and uniform adjudication upon cases arising under the Discipline Clauses of the Merchant Shipping Acts, or upon other cases arising under or connected with merchant shipping, in respect of which the local magistrates exercise a summary jurisdiction, to require the appointment at any harbour or 'port of call' in the United Kingdom of a magistrate, who shall have been either a barrister or solicitor of at least seven years' standing, and whose constant residence shall be in close proximity to such harbour or port of call, and whose services shall be always available for hearing and determining all such cases as aforesaid; such magistrate to be appointed in England and Ireland by the Lord Chancellor of each country for the time being in which such appointments shall be deemed requisite, at a salary not exceeding five hundred pounds per

annum, and to be paid and payable out of the Consolidated Fund to such magistrate, or by moneys provided by Act of Parliament for that purpose."

THE CHAIRMAN pointed out that the latter part of the clause could not be put, as it involved the expenditure of public money.

MR. M'CARTHY DOWNING said, he would withdraw that part of the clause. His proposal was really made in the interest of all parties connected with the Mercantile Marine. Cases of very great magnitude often occurred at the large ports in Ireland and England, and those cases were disposed of by the local magistrates. There were great powers given by the existing law, and those powers would be increased by this Bill. He was sorry to say that, to his knowledge, magistrates who were personally connected with the shipping interest pursued such a course of conduct as tended very much to throw discredit on the administration of justice. His clause would give the Board of Trade power, if they were satisfied that it was necessary in any part of England or Ireland, to appoint a paid resident magistrate, who should adjudicate in all shipping cases coming within the province of the Act of Parliament, so that such cases should not be allowed to come before magistrates who were personally connected with the Mercantile Marine. He understood there was some objection to making such appointments as he proposed in England; and if that were so, he was quite willing to limit the operation of the clause to Ireland. He was told that it would be also objectionable to leave the appointment of magistrates to the discretion of the Board of Trade, and he would, therefore, be prepared, if the substance of the clause were agreed to, to leave the appointment entirely with the Lord Chancellor.

SIR CHARLES ADDERLEY thought it would be an unusual process for the Board of Trade to require the appointment of a stipendiary magistrate in every or any port in the Kingdom at its discretion.

MR. MAC IVER supported the principle of the clause, but did not approve of the words in which it was couched. In Queenstown, for instance, which was a port of call, a great many cases arose, and at that place he knew there were various circumstances which rendered it

desirable for a stipendiary magistrate to be appointed.

MR. MURPHY thought this was a subject which should be pressed on the attention of the Government. To show the magnitude of the interests involved, he might mention that in the course of the last 10 years the tonnage of the shipping arriving at Queenstown Harbour had risen from 580,000 tons to 2,600,000 tons. The necessity of some more permanent method of administering justice to the mercantile interests in such a port than that supplied by the local justices sitting in petty sessions, and often personally connected with shipping, was obvious.

SIR WILLIAM HARCOURT observed that continual complaints were made of the increase of expenditure, and yet clauses were continually proposed tending to such an increase. The clause now proposed would, if agreed to, lead to the creation of an indefinite number of places. He was not at all sure that the object which was sought would be attained by the appointment of stipendiary magistrates. As this was a clause dealing with a professional matter, he might be expected to support it, but he did not intend to do so.

SIR MICHAEL HICKS-BEACH admitted there might be a few ports, such as Queenstown, where the appointment of a magistrate to deal specially with Admiralty cases might be desirable. About 18 months ago strong representations were made to the Irish Government as to the necessity of such a magistrate being appointed for Queenstown. He thereupon took some trouble to find a gentleman who would be thoroughly qualified for an appointment of the kind. He asked the Lord Chancellor and the Lord Lieutenant if they could recommend him some barrister with a special knowledge of maritime law, but he found that no gentleman possessing the necessary requirements was willing to accept such a comparatively small appointment. He had at last, however, found a gentleman who had been for 21 years a resident magistrate, and had had considerable experience in Admiralty cases at Cork. That gentleman had been sent some few months ago to act as stipendiary at Queenstown, and he had reason to believe that his administration there had so far given entire satisfaction. At all events, he had heard no com-

Mr. M'Carthy Downing

plaints. If similar appointments should be proved to be necessary at other ports, the Government would take action accordingly.

MR. M'CARTHY DOWNING said, that after the statement of the right hon. Gentleman he would withdraw his clause; but he could assure the House it had not been brought forward in order to create places for anybody. He had proposed it simply in the interests of his constituents, and at their request.

Clause, by leave, *withdrawn*.

MR. GORST moved the insertion of a new clause, providing that any seaman who deserted his ship, who refused without reasonable cause to join it, or who should be absent without leave, and without sufficient reason, should be liable on summary conviction to any period not exceeding six weeks' imprisonment, with or without hard labour; and also to forfeit his effects on board and also his wages; and, further, to satisfy any excess of wages paid to any substitute in his place. In case any of the offences did not amount to desertion, then there was to be merely a money penalty. He maintained that it was unnecessary to give very strong powers of imprisonment against seamen in order to secure the safety of life and the safety of the ship at sea. The existing Merchant Shipping Act, by Section 239, treated misconduct which endangered either the ship, or life, or limb as misdemeanour. That dealt in a complete manner with all breach or neglect of duty endangering life or the ship; and the present clause would only apply to such neglect of duty as did endanger the ship, or the lives of those on it. Another argument which he warned them against was the saying that it was impossible for the trade of the country to be carried on unless the present peculiar tyrannical laws were continued; but the very same argument was used when the Employers' and Workmen's Act was under discussion in that House, and he saw no reason why sailors should be punished criminally for simple breach of contract any more than other working men. He did not wish to repeal any ancient law, but only to deal with modern enactments. Before 1835 a sailor could only be imprisoned for 30 days for desertion, but in that year the period was lengthened to three months; and a mere absence

from duty entailed a punishment of 10 weeks' imprisonment. The power to arrest without warrant, which he proposed to deal with by another clause, was not enacted till 1851, and he asked whether the character of our seamen had improved or deteriorated since that time. These severe laws applied not only to sea-going ships, but also to fishing smacks; and they, in Suffolk and Norfolk, where there were so many fishing smacks had a very demoralizing effect. He asked the Committee to consider whether such laws should be allowed to remain any longer upon the Statute Book.

MR. RATHBONE admitted that the existing law required alteration, but was not prepared to say how far the Amendment met the necessities of the case. He suggested that the Government should institute an investigation to see what changes were wanted. He recommended that a small Committee should be appointed, not necessarily of shipowners, who should take evidence as to the coasting and timber trade, and who might report how much of the existing law was useless and unnecessary.

SIR CHARLES ADDERLEY said, the new clauses must be considered at present, not on their own merits, but as connected with the Bill. He had made this a prominent part of the measure of last year, and had a strong view of the necessity of dealing with the existing law. The Government had, however, expressly excluded this great and important subject from the scope of the present measure, and there were two good reasons for this decision. The first was, that he received no great encouragement last year to proceed with the subject of the discipline of seamen, and second was, that there was good reason for limiting the scope of the present Bill if there was to be any hope of carrying it through this Session. As a good deal had been said about the alterations made in this Bill, he would assert that hardly any Bill had ever been passed with so little alteration upon which there had been so much discussion. The Government had almost carried the virgin text of the Bill without alteration. [*Laughter.*] Hon. Gentlemen might laugh, but the new clauses which they probably had in their minds were not alterations, but only an extension of the application of an unaltered Bill. The text of the Bill had almost been carried

intact, with the exception of slight verbal alterations, and it embodied the temporary legislation of last year and portions of the original Bill which had been dropped. The Government declined to accept clauses of the kind now proposed in the measure of last Session, and there was this additional reason for not accepting the clauses now, that the hon. and learned Gentleman had not made up his own mind on the subject. The clause would not meet the object his hon. and learned Friend stated that he had in view, as under it the law relating to seamen would not be assimilated to that which regarded workmen. On the contrary, it proposed a wide distinction, for the former were to be treated with civil remedies only; while it was proposed to treat seamen one way when at sea and in foreign ports, and another way when in England. There was no reason for treating desertion criminally on the voyage, and only civilly at its outset, when it might be most dangerous. He should not then enter into the broad question of desertion, as it was not within the scope of the Bill.

SIR WILLIAM HARCOURT pointed out that the question raised by the clause was not foreign to the scope of the Bill of last year, which re-introduced the law as it stood, and simply modified it. The manner in which the right hon. Gentleman spoke of the virginity of his Bill was somewhat amusing, for, notwithstanding that the Bill was *virgo intacta*, it had produced two bouncing twins—deck loading and the provision as to foreign vessels. The right hon. Gentleman seemed to have changed his mind on this subject since last Session. Then the right hon. Gentleman admitted that the existing law was defective, and expressed his willingness to consider the whole subject. Now, however, he was not prepared to do anything in the matter. One of the clauses under discussion last Session was in favour of limiting the period of imprisonment, and if the Government would now give a pledge next Session to amend the law with reference to the discipline on board merchant ships in direction of the clauses he proposed last Session, he would suggest the withdrawal of the present clause. If not, he would divide in favour of the proposal. The code which it was sought to modify was one of the most barbarous and unjustifiable that ever existed in a civilized

country, and the Committee ought to have an explicit understanding from the Government upon the subject.

LORD ESLINGTON expressed a hope that before the debate closed the Government would give a positive assurance that they would at an early date deal with this very important question. At present the law was in a state of such uncertainty that it was absolutely necessary to place it upon a more intelligible and more satisfactory footing. Great disappointment had been felt and great dissatisfaction had been expressed by the shipping interest that discipline was not dealt with in the Bill. A late flagrant and patent instance had shown the uncertain state of the law when a magistrate could commit a captain to prison for enforcing discipline on board his own vessel—he alluded to the *Locksley Hall* case. He was afraid that desertion in foreign ports was largely on the increase, and there were some ports where shipowners knew they would lose their crews. The advance note was one of the most fertile causes of desertion. He objected to this part of the question being dealt with except as a whole; and, in doing so, he hoped the hands of captains would be strengthened in enforcing discipline on board their ships.

MR. ASSHETON CROSS reminded the House that during the discussion of the Employers' and Workmen's Bill last year it was distinctly understood that sea service was of an exceptional character, and required exceptional legislation. As a general rule, he might say it was wise not to make regulations too stringent on either side, but to secure their being carried out with fairness. The question of discipline on board ship was not an easy one. He was most anxious that it should be fairly and fully considered on as early an occasion as possible, and under these circumstances he hoped his hon. and learned Friend would not press the adoption of his clause. He could assure the House that the subject would receive, not only the earnest, but the early attention of the Government, and he might add that he should not be sorry to see the suggestion of the hon. Member for Liverpool carried into practice, although he could not give a pledge to that effect. In the course of next Session he hoped a Bill on the subject would be introduced.

Sir Charles Adderley

MR. NORWOOD, in view of the right hon. Gentleman's statement, suggested that the clause should not be pressed on the present occasion. He trusted that the Government would even this Session consent to the appointment of a Committee. Under any circumstances he trusted they would not delay it beyond the next; and so far as he could speak for his hon. Friends, he might say that they, with himself, would only be too happy to consider the discipline clauses in the fairest manner. On some points the law was too severe and of no benefit to anyone. He hoped the clause would not be pressed.

MR. SHAW LEFEVRE suggested that the clause should be withdrawn, if it were clearly understood that the Government would deal with the subject next Session.

MR. MACDONALD said, he should like to have heard a little more definite statement from the right hon. Gentleman the Home Secretary than the one he had made, and that the subject should be dealt with in a comprehensive way. With that assurance he would press the hon. and learned Member for Chatham to withdraw the clause.

MR. HOPWOOD said, there was no difficulty in dealing at once with the proposition put forward by the hon. and learned Member for Chatham, which could be but small in effect on shipping interests, though large and beneficial in the sense of giving benefit to a class. There was nothing to prevent them putting an end to imprisonment for desertion, and no shipowner of eminence had asked for the continuance of the law. Shipowners should not have at hand a weapon to compel a sailor to serve on board of a ship which he believed to be unseaworthy.

THE ATTORNEY GENERAL opposed the clause. He thought that, while there was a feeling that the law with respect to the treatment of seamen was too severe, after the assurance which the Home Secretary had given that the question would be dealt with separately, the hon. and learned Member for Chatham ought not to press for the addition of the clause to a Bill with which it had no necessary connection. If the clause as it stood was agreed to, it would in fact attach no penalty to desertion on the high seas or in foreign ports, when the immediate consequences

of such desertion might be great damage to property and danger to life. If such a change were made, it would in fact give encouragement to desertion. The Home Secretary had distinctly stated he was most anxious to place seamen under the protection of the Labour Laws passed last Session with respect to workers on land. Time would be required to consider how that could best be done, and he did hope that after the intimation which had been given the hon. and learned Gentleman would not press his clause.

MR. GORST did not see why the clause should not be added to the Bill, especially as the Home Secretary had admitted that the law for seamen should be assimilated to that of workmen on shore. But he would not press the clause to a division if the suggestion of the hon. Member for Liverpool (Mr. Rathbone) were adopted for the appointment of a Committee to take this matter into consideration during the present Session with the view of recommending some course which should have the effect of modifying the existing law, or if the Government would undertake, either this Session or next, to deal with the whole question of the discipline of merchant seamen. If not, he must press the clause to a division.

MR. MUNDELLA thought the appeal made to the Government by the hon. and learned Member for Chatham was an exceedingly fair one. With one exception, every hon. Member who had spoken had declared the present state of the law to be indefensible. He hoped the Government would deal with the whole question in a generous spirit.

MR. MAC IVER could not approve the course taken by the Government in this matter. Their legislation last year had tended to discourage discipline on shipboard. The proper way to deal with the matter was for the Government to accept the suggestion of the hon. Member for Liverpool (Mr. Rathbone), for the appointment of a Committee.

MR. BURT considered that too much reliance was placed upon imprisonment as a check for such offences as breach of contract, and said the result of his own observation was, that it did not prove effectual in dealing with working men, although it might have some deterrent effect on boys. It was a notable circumstance that from the judicial sta-

tistics it appeared that breaches of contract had of late been decreasing year by year to a very considerable extent, and that this decrease had taken place in the face of the most extraordinary state of things with regard to fluctuations in trade when working men were put to the severest tests in keeping their contracts. He trusted that the Government would make some definite statement as to whether they would adopt the proposal for the appointment of a Committee, or whether they would assist him in passing the Bill by which he proposed to deal with the subject.

MR. T. E. SMITH agreed with the proposal that the law with respect to seamen should be assimilated to that which affected landmen. If the clause of the hon. and learned Member for Chatham was pressed to a division, he should certainly vote for it; though if it were agreed to, he would make a suggestion that its provisions should not apply to any seaman in any port after leaving the port of embarkation.

MR. ASSHETON CROSS said, he had apparently not been understood when he made his statement in reply to the hon. and learned Member for the City of Oxford. He did say that the Government would deal with the subject next Session; and, therefore he had been much surprised to hear it said by one hon. Member after another that no distinct pledge had been given. He had not undertaken to deal with the whole question of naval discipline, but only with the relation of seamen to the Employers' and Workmen Act. After the Report of the Royal Commissioners on the Labour Laws last year, he did not think it necessary to refer the subject to a Committee, and as the Government would certainly deal with it next Session, he hoped the discussion would not be continued.

MR. GORST said, after the statement of the right hon. Gentleman, he thought he would best consult the feelings of the Committee if he withdrew the clause.

Clause, by leave, *withdrawn*.

Proposed subsequent new Clause (Power of arrest in cases of desertion)—(Mr. Gorst),—by leave, *withdrawn*.

MR. PLIMSOLL proposed the insertion of a new clause, providing that it should be the duty of our Consular

agents at any port to prevent the shipping of any grain cargo or deck cargo, or the loading of any British ship, contrary to the provisions of the Act; authorizing Consuls and persons employed by them to go on board and inspect such ships, and to withhold the ship's papers until the Act was complied with. Its effect would be to render permanent the great success which had attended the powers given to the Consuls by the temporary Act of last Session preventing the shipping of grain cargoes or deck cargoes on board British ships in such a way as to endanger the safety of the vessels.

SIR CHARLES ADDERLEY said, the Government, following in the wake of the hon. Gentleman in the Black Sea ports, and fully acknowledging his good example, had done what they could in this direction in foreign ports, but it was easier for a private person to visit and inspect vessels in a foreign port with the consent of their owners and masters than for Government officials to do so by authority. To empower any British Consul, or any persons employed by him, to go on board a British ship against the will of the captain, would require a very considerable regulation and official organization; nor could our Consular agents in every port be trusted with such duties and with the power to detain British vessels. The clause was also objectionable because it contained indirectly a provision for a Government "load line," and also gave the Consul power to withhold the ship's papers from the master until he had loaded properly in the Consul's judgment. He hoped the hon. Gentleman would be content with the good he had done and had been the means of the Government doing, and not run the risk of losing it all by straining the law.

MR. PLIMSOLL, in reply, said, he found that the Italian Consul in the Black Sea ports had power to withhold the ship's papers until the ship was properly loaded. When this remedy was in successful operation by the Consuls of a foreign country, it did not seem unreasonable to expect that it might be equally well applied by our own. He fully recognized the "omnipotence" of the Government upon the question, and would withdraw the clause, leaving with them the responsibility of refusing to accept it.

Mr. Burt

been disapproved of at every port in the Kingdom.

THE CHAIRMAN reminded the hon. Member that at this stage it was not usual to discuss the provisions of the Bill.

MR. MAC IVER regretted that he had uttered his protest in the wrong place.

MR. W. E. FORSTER asked when the Report would be taken. He hoped it would not be taken immediately, because, although his right hon. Friend was quite right in saying that not many alterations had been made, yet the provisions with regard to deck cargoes and foreign ships were very considerable changes.

SIR CHARLES ADDERLEY said, he would formally name Thursday for the bringing up of the Report, with the view of then naming another day when there could be a discussion, if it should be thought necessary.

Question put, and *agreed to*.

House *resumed*.

Bill *reported*, as amended; to be considered upon *Thursday*, and to be *printed*. [Bill 144.]

SUPPLY. COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

NAVY—SHIPS OF WAR.

RESOLUTION.

MR. T. BRASSEY, in rising to move the following Resolution:—

"That this House, while approving the programme of work on iron-clad ships for the ensuing financial year, is of opinion that the present is a fitting opportunity for reviewing our shipbuilding policy and the resources of the Mercantile Marine for naval purposes; and this House is further of opinion that this inquiry should be held by a Royal Commission,"

said: The Resolution I am about to move is drawn in terms which cannot be regarded as unfriendly to the Government. I regret the large expenditure on unarmoured ships which the right hon. Gentleman the First Lord of the Admiralty has hitherto refused to recognize as forming part of the effective strength of the Navy; but I am not aware that the designs for the iron-clads now in construction have been

disapproved by any competent critics. Having disclaimed any intention to criticize the ships at present being constructed, still less am I disposed to speak unfavourably of the designs approved by the late Government. Turning from the past and present to the future, I may remind the House that it was stated by the First Lord of the Admiralty, in his speech on moving the Navy Estimates, that it had been decided not to lay down any new iron-clads during the ensuing financial year. I do not accuse the Admiralty of unnecessary hesitation in coming to a decision on the infinitely vexed question of naval construction; but, if no new ships are to be laid down, it cannot be urged that our shipbuilding will be delayed by further inquiry. It may be said, however, that the Department is at least as competent an authority on shipbuilding questions as any Royal Commission that could be appointed. I gladly acknowledge that the present Naval Lords, if they were not in office, would constitute a most able Commission. But my fear is that they have no leisure to investigate new problems of armament, tactics, and construction. The hon. Gentleman the Member for the Tower Hamlets (Mr. Samuda), in seconding a similar Motion by the hon. Member for Lincoln (Mr. Seely), in 1868, said, as I think, truly, that—

"When a great policy had been inaugurated, he could well understand that a Department of the State might efficiently carry it out; but it was unlikely that such a policy could be initiated by a Government Department."—[3 *Hansard*, cxiii. 1118.]

In the same debate the right hon. Gentleman the Member for Pontefract (Mr. Childers) said—

"That he could at the same time have wished that the noble Lord (Lord Henry Lennox) had been able to lay before the House some plan, which, without diminishing the responsibility of the Constructive department of the Admiralty, or diminishing its responsibility for all that was done under its superintendence, would give it the advantage of a certain amount of scientific investigation and advice."—[*Ibid.* 1139.]

The controversy as to the continued use of side-armour must naturally arouse the greatest anxiety in the country. It is said that unless armour be strong enough to keep out shells, it is worse than useless; and armour, more or less impenetrable, even when limited to vital places, involves a large addition to the cost, and an increase of dimen-

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sions, tending to diminish that mobility, which is of the last importance, if, as Admiral Jurien de la Gravière predicts, ships will fight in the future with the rams alone. In our Navy there is an almost hopeless conflict of opinion. Captain Noel insists that excessive top-weight should be avoided. On the other hand, I am assured, in an able letter from an admiral in a high command, that our men would have no chance if they had to contend with heavy guns, protected by a turret, and therefore fired with confidence and precision. The painful uncertainty, in which we are placed in this country, is shared by every Maritime Power. In Russia, attention is being directed chiefly to the circular iron-clads, the *Popoffkas*, which are intended solely for coast defence. In Germany, it has been decided to lay down no more iron-clads at present. M. Dislere, one of the constructors of the French Navy, says that the progress made by artillery has rendered it useless to retain armour for ocean-going cruisers. The views of M. Dislere are borne out by the passing events in naval construction. The *Inflexible*, which has just been launched, is protected by 18 inch-armour, and the *Dandolo* by 12 inch-armour. When the progress of gunnery has rendered 22 inch-armour insufficient, Messrs. Cammell undertake to roll plates of 30 or even 40 inches—

“For the moment,” as it is observed in *The Times* report, “the advantages seem to be in favour of armour; and yet a target, representing the strongest portion of the armour of the *Inflexible*, was penetrated a few months ago at 1,800 metres by a Krupp gun. While, however, we find an eminent French authority announcing that armour will shortly be laid aside, in his annual report, published last December. Admiral Porter says that the aim of the United States should be, in making changes, to resist the shot from the 12-inch 35-ton, which at 200 yards perforates 15 inches of solid wrought iron. He asks for 24 first-class ships; but such vessels will represent, in his opinion, no decided power for offence or defence, unless they carry sufficient thickness of armour to resist the average rifled gun, and have speed to get within striking distance of the enemy. Wooden vessels add nothing to the fighting force, just as, in former days, engagements fought with frigates never materially affected the result of a war. For fighting purposes, he prefers a turreted vessel to any other.”

I do not pretend to offer an opinion of my own. When, however, we observe such a wide difference of view, it is our

duty, as representatives of the taxpayers, to take care that these subjects are thoroughly investigated before we commit ourselves to large ships, which may be condemned as obsolete before they are completed. Since this subject was last reviewed by the Admiralty Committee on Designs, great progress has been made in perfecting offensive torpedoes. Many authorities declare that the most effectual defence against the torpedo is to be found in further developments of the cellular system of construction. According to Mr. Barnaby, on the other hand, it is idle to attempt to form the bottom of a ship strong enough to resist a fair blow from a powerful torpedo. Each costly iron-clad should be defended against the torpedo and the ram by a number of small unarmoured vessels. But how are you to keep such a flotilla together? If, however, our great iron-clads are to be attended by a cloud of skirmishers, they cannot venture far from their base of operations. Great coal-carrying capacity will no longer be necessary, and the high free-board and other features of a sea-going ship may be materially reduced. The Motion I originally placed on the Paper contained a recommendation that designs for various types of fighting vessels should be invited from private shipbuilders. The hon. Gentleman the Member for Pembroke (Mr. E. J. Reed) has recently constructed for the Chilian Navy two vessels, each of 2,000 tons, armed with six 12-ton guns, protected by armour of 8 and 9 inches. Messrs. Rennie have built two gunboats for the Peruvian Government, little larger than the gunboats of our *Staunch* type, but carrying 26-ton instead of 18-ton guns. Mr. Mackrow has recently designed the *Vasco de Gama* for the Portuguese Government, which vessel carries two 18-ton guns, protected by a circular breastwork, armoured with 10-inch armour. The ship carries in addition one 6½-ton gun, and two 40-pounders, and has, I believe, been built for £100,000. These examples suggest the expediency of following the precedent of 1867, when six of our most eminent firms were invited to submit competitive designs. Having regard to the danger to which the most powerful ships are exposed when attacked by the ram or torpedo, I should like to fix

the limit of cost at £150,000, or even £100,000. A perfect ship could not be built for such a sum; but the attempt to unite in a single vessel every quality can only end in an unsatisfactory compromise. On a former occasion, when a similar competition took place, Sir Spencer Robinson and the hon. Gentleman the Member for Pembroke were called upon to decide between the respective merits of the various proposals. The anomaly of this position was pointed out by Sir Spencer Robinson. I have thus far confined my allusions to the fighting Navy, but the naval resources of this country are not limited to the fleet especially constructed for war. The latest Returns show that, in our Mercantile Marine, we have 419 steamers of 1,200 tons register, and upwards. The extraordinary regularity of the passages made between Queenstown and New York is sufficient evidence of the steaming and coal-carrying capabilities of these ships, and the torpedo provides the means of defending them against the most powerful vessels of war. It therefore makes them a source of great naval strength. The owners of ocean-going steamers should be encouraged by judicious subsidies to build their ships of such a type that they could be converted, if necessary, into armed cruisers. This object can only be attained by making arrangements beforehand, when the designs are being prepared. Numerous precedents might be cited, of independent inquiry, by Commissions and Committees, into the condition of the Navy. It may not be equally widely known that a Commission, precisely similar to that which I propose, has recently been authorized by the United States House of Representatives. This Commission is to consider the great changes which have taken place of late years in naval warfare, and to recommend the best type of ship to meet these changes. They are to report on the whole subject, and to enable Congress to consider intelligently, and to legislate upon, naval affairs in all their branches. The last is precisely the object I have in view. Under our Parliamentary system, it is essential that every Department of the Government should carry with it the approval of the public, even in matters of administrative detail. There is no alter-

native, therefore, for the Admiralty but to satisfy the country that the expenditure they propose is unnecessary, that their designs for ships are well-considered, and that everything that it is practicable to do is being done to make the great resources of the country available as a reserve for the Navy, and so to diminish, as far as may be, the cost of our standing force in time of peace. The Report of the proposed Commission should be an invaluable document in the hands of the First Lord in pleading with Parliament on behalf of the Navy. It will not be necessary to make disclosures on points of detail. In Parliament we want only that general information which will enable us to determine whether or not armour should be retained. We want advice as to the relative value of armoured and unarmoured ships, and as to the necessity or otherwise of building unarmoured ships of the vast dimensions of the *Inconstant* or the *Raleigh*. Thus far I have referred to the different modes in which money may be spent to strengthen the Navy. May we not venture, however, to hope that the Commission might be able to suggest economies in other directions? I noticed only the other day that £23,000 had been spent in repairing the *Salamis*. Can it be supposed that any private shipowner would have allowed such a sum as I have named to be spent in repairing a despatch boat of 835 tons? Admiral Porter has suggested in his last Report that iron cruisers should be built for the United States Navy, and kept on the stocks until the outbreak of a war. In this way all waste from wear and tear and dry-rot would be avoided. Might not we do the same thing with advantage? In conclusion, assuming that such an inquiry as I have suggested were to be ordered, the question is whether it should be conducted by a Committee or a Commission. A Commission is to be preferred as being more independent. It may be that the Report would be wholly in favour of the designs submitted by the Admiralty. If such were the result, it would be eminently gratifying, both to the Constructors' department and to the public. If, on the other hand, the result should be that some suggestions were obtained, which had not hitherto been adopted by the Admiralty, that again would be valuable,

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as tending to make our Navy stronger and more efficient than before. The hon. Gentleman concluded by moving the Resolution.

MR. HANBURY-TRACY said, he had great pleasure in seconding the Motion. His hon. Friend the Member for Hastings (Mr. T. Brassey) had, in his able statements, made the case so clear in favour of a Royal Commission that he would only occupy the attention of the House for a very short time. Since the Committee on Designs sat in 1871, enormous changes had been effected in naval warfare. In gunnery great advances had been made. Hydraulic machinery enabled us to carry guns capable of piercing armour far thicker than could possibly be carried afloat. The 81 and 38-ton guns could now be carried and worked with greater facility than the 25-ton gun could be worked in 1871—and a very limited number of men were required. The power of the ram had been shown with deadly effect in the case of the *Vanguard*, and no doubt existed that it must prove a most important weapon in any naval action. Lastly, the knowledge of the locomotive torpedo had advanced with marvellous strides, and month after month great discoveries were made which proved the fearful power of this weapon. He believed we had entered into a new phase of naval warfare, which must, to a great extent, revolutionize our ideas of modern shipbuilding. The great problem of the day was how to protect the vitals in a ship, and how to render her unsinkable in the face of these new weapons. He believed that however unpalatable and worrying such an inquiry might prove to the Admiralty, it could not fail to be of great service, and must be economical. It would enable us to have access to information now practically closed, and bring in the able, healthy, and intelligent criticisms of clear and impartial minds. He thought it would certainly bring one matter into prominence, and that was the urgent necessity of diffusing our strength over a greater area, of having smaller ships and a greater number of them, so as not to have our eggs as at present in a very limited number of baskets. The loss of one ship now was a great national disaster. He thought serious attention ought to be speedily drawn to the enormous power developed by the Whitehead

locomotive torpedo, and to the present unprotected condition of our great iron-clads. Up to a short time ago, this weapon could only be fired out of particular vessels properly fitted, and at a speed of only 9 knots. Now that was entirely changed. Experiments had shown at Portsmouth that we could launch it from the surface with the greatest facility, even from the bow or beam, and without any special fitting. These torpedoes were now being made to go from 20 to 22 knots an hour to a distance of 300 yards, and at a lower rate to travel no less than a mile. In stating this he was revealing no secret, as he saw it announced quite recently in a newspaper report. The Committee would see at once what a vast change this had effected in modern warfare, every little steamer, every passenger steamer, and every tiny boat could now use these terrible weapons. The effect of a single torpedo of this description fired against one of our iron-clads, if it did not send her to the bottom, would undoubtedly do her enormous harm. It was to his mind a question of the gravest importance, and one well fitting special inquiry. How were their present ships to be protected? The cellular principle carried out to a great extent and double iron bottoms might in some measure offer protection, but it must be remembered that even now the locomotive torpedo was only in its infancy. If the right hon. Gentleman granted the Commission or Committee, he hoped that special steps would be taken to see if the proceedings could not be kept confidential. A general Report might be issued, but he thought the details ought not to be made public. It appeared to him that we were a great deal too open to foreigners. We spent large sums in costly experiments year after year, and in building vessels of the most approved type, with all the latest improvements, and then deliberately showed them all to any foreign officers who desired to become acquainted with what we were doing. Not only did we do this, but we actually went out of our way to show to the foreign officers what we kept a secret from our own officers. It appeared to him that this was most suicidal. If it was impossible to keep matters secret from foreign officers, then let your experiments be made public, and invite that wholesome criticism from our own

officers, and from engineers of eminence, which could not fail to be of great benefit, but he deprecated most strongly the present system of only giving the information to foreign officers. It was sometimes said that we obtained reciprocal advantages. He doubted if there was any reciprocity whatever. He had spoken to officers and civil engineers of great standing, and they all concurred that we got nothing of any importance from foreign nations—but that, on the contrary, they took great care to keep any discoveries they made to themselves. Only the other day the newspapers announced that Admiral Popoff, the Russian Naval Constructor, had been to Chatham; that the greatest civility had been shown him, and that all the latest designs and improvements had been laid before him. The next day we were told he had been to Portsmouth, and that he and his official staff had spent the whole time inspecting the various improvements. This condition of things had gone on for a long time. It was well known that some years ago the percussion fuze, “Moorson’s Fuze,” was a secret jealously kept, and none of our officers were able to obtain any information about it. At last a translation was obtained from a Russian pamphlet, containing a full account of it. Again, only about two years ago, a diagram was carefully made out, showing the various distances at which British and foreign iron-clads could be pierced by our large guns. This was by way of being a most confidential document, and was allowed to captains in command of vessels, and certain other high officials, but the information was denied to everybody else. After this state of things had gone on for some time, it was discovered that the Foreign Attachés had been allowed copies, and the result was that this valuable and authentic information was circulated amongst all foreign Governments, whilst our own officers were not allowed the privilege of becoming acquainted with facts of great importance to them in their profession. Perhaps nothing more absurd could be imagined than what happened last year at Portsmouth. It was well known that for some time past we had been conducting great experiments with locomotive torpedoes before a very able Committee of naval officers. Many most valuable discoveries had been made, and

the Reports were supposed to be of a strictly confidential character. We had at the same time a number of officers going through a torpedo course of instruction, and with them, as usual, two or three foreign officers. The torpedo school was, of course, quite distinct from the experimental Committee. One day some of the officers under instruction were discussing amongst themselves how the experiments were progressing, and wondering what was being done, when, to the astonishment of everyone, one of the foreign officers present said—“Oh! I can tell you, here is the last Report.” It was only too true, the Report was produced from his pocket, and on it was seen the Admiralty stamp, proving that it had been obtained direct from that quarter. He thought this sort of thing was most suicidal. It was a question which the Treasury ought to take up, and with a strong hand prevent the Departments giving away the benefit of the large expenditure we annually incurred in experiments. No doubt, after a certain time, all new inventions became public; but he ventured to think that for some few months, or for a year or two, we might keep our own secrets. He hoped, if the Commission or Committee were granted, that this matter would be well considered in framing their instructions. There could be no necessity to make known the evidence, or the detailed statement of such a body, and a short Report would be quite sufficient for the general public. He begged to second the Motion.

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “this House, while approving the programme of work on iron-clad ships for the ensuing financial year, is of opinion that the present is a fitting opportunity for reviewing our ship-building policy, and the resources of the mercantile marine for naval purposes; and this House is further of opinion that such inquiry should be held by a Royal Commission,”—(*Mr. T. Brassey*),

—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

MR. GOSCHEN said, the Motion of his hon. Friend the Member for Hastings (*Mr. Brassey*) practically comprised two parts. It approved the programme of the Government so far as iron-clad

Mr. Hanbury-Tracy

building was concerned, and it invited the Government to appoint a Royal Commission. He thought the right hon. Gentleman the First Lord of the Admiralty would do them the justice to admit that while they had endeavoured to perform their duties as critics with regard to naval administration, they had been moderate in their criticisms on the proposals he had made. They had never divided against the sums of money he had asked the House to vote, and had scarcely offered any opposition to his policy, so far as he had a policy, in the matter of shipbuilding. While they had criticized the statements he had made and sanctioned the reasons he had assigned for the course he took, he was not sure they had not gone far in the direction of supporting his proposals and somewhat exposed themselves to criticism on their own side for their too great alacrity in supporting those largely increased Estimates demanded by the right hon. Gentleman. At all events, he thought the right hon. Gentleman would admit, so far as he had a shipbuilding policy, they had not offered any opposition to which he could object in the carrying out of that policy. He would endeavour to deal with this question also in the fairest spirit to the right hon. Gentleman. When the House was called upon to vote for a Royal Commission he ventured to ask himself what would have been his answer had such a proposal been made when he was at the Admiralty. Of course, much would depend on whether one had a policy of one's own. If the Government had got a distinct policy upon any one particular subject, then a proposal to appoint a Commission was considered rather in the light of a somewhat adverse Motion, and it was the tendency of Government to resist such Motions. But what the House particularly wished now to know was what were the views of the right hon. Gentleman. Had he a policy as regarded iron-clad shipbuilding? During the tenure of office of the last three First Lords of the Admiralty there had been a distinct policy of shipbuilding, approved by some parties, disapproved by others, but, at all events, a distinct policy. The late Mr. Corry had a policy, which he proposed and carried out. He proposed the building of six ships of the *Audacious* class. They were a new class. He had a strong opinion in regard to

them. They involved an increase of expenditure; but the House approved his policy, and he carried it out. He was succeeded by his (Mr. Goschen's) right hon. Friend the Member for Pontefract (Mr. Childers), to whom was due the policy which created the *Devastation* class, the *Thunderer* and the *Dreadnought*. That policy was greatly questioned at the time, but ultimately approved by the House. The *Hotspur* was a ship for which the credit was due, so far as it was successful, to Mr. Corry; so was the *Glatton*. The *Rupert* and the *Ram* belonged to his right hon. Friend. By both those First Lords a distinct policy was submitted to the House. When he (Mr. Goschen) had the honour to be at the Admiralty, it was his duty to propose a certain advance in shipbuilding policy, and it fell to his lot to submit designs of the *Inflexible*, the *Téméraire*, and the *Superb*—all ships of a novel kind, which involved a new policy. One point was the central citadel and the development to a greater degree of the bow fire. The question had always been, what was the policy of the Admiralty? In quoting the policy of these three Administrations his object was not to revive any controversy about the credit of one Administration or the other, but to point out that, for good or evil, there had been a distinct policy in the Admiralty. They knew what ships they wanted to propose, and on what class it was desirable to spend the funds that were voted. It would not have been right to demand of the right hon. Gentleman the First Lord of the Admiralty whether he adhered to the policy of his Predecessor, or if he had a policy of his own during his first two years of office; but he had now entered on his third year of office, and he thought he would admit they might now appeal to him to state whether he had a distinct policy as regarded iron-clad shipbuilding. The right hon. Gentleman had made proposals to continue the repairs of iron-clads of a smaller class than the ships he had enumerated; but we had now arrived at a point when we must know from the right hon. Gentleman what line he intended to adopt—whether ships of the *Inflexible* class, or of a smaller class were to be continued, or whether ships of the *Inflexible* class were to be abandoned. It was known that the right hon. Gentleman had ordered two *Inflexibles* and also two ships of the

Shannon class, a design which had been brought to the notice of Parliament before the right hon. Gentleman acceded to office. Now, the offer he, so far as he was personally concerned, would make to the right hon. Gentleman was that if he stated he had, with the assistance of his able advisers, clear views with regard to iron-clad ship-building, he (Mr. Goschen) would support the policy of the right hon. Gentleman just as he would a policy of his own, and would vote against a Commission; because during the whole process of a Commission the responsibility of the advisers of the Admiralty was greatly embarrassed and hampered, and they could not be expected to perform their duties as they would in ordinary times. But if the right hon. Gentleman would state that he had no policy, though the Naval Estimates had been increased £400,000 a-year each year he had been in office—if he would state that he did not see his way, but would like to call in assistance from without, the House would do well to assist the right hon. Gentleman in finding a policy. If the right hon. Gentleman consented to a Commission, he would, no doubt, get the best advice he could from all quarters. In that way he would obtain the great advantage of getting the brains which were outside the Constructor's department; but he must take that advantage with the corresponding disadvantage of conducting the inquiry in the face of the public and of other nations. What would be instructive in the history of Commissions would be to see how the appointment of those which had been previously made had assisted the Executive Government in the discharge of its duties. We had had a notable instance in the Commission which sat on the Bill that had occupied the House in the earlier part of the evening, and the whole Report of which had been practically disregarded in the legislation which had followed. However, nothing could be worse than that we should go on without any policy. He would appeal to the right hon. Gentleman to pursue one of two courses—either on that, or a future occasion, to take the House into his confidence, and explain his views with regard to iron-clads, or to accept the suggestion that the composition of the Fleet should be determined by the advice which the right hon. Gentleman

would call in from without. Whichever alternative the right hon. Gentleman adopted, he might rely upon fair criticisms of the plans which he might submit to the House.

MR. SAMUDA said, he believed that the proposals made during the three previous Administrations had been arrived at in precisely the same way as those of the present Admiralty. The same officers had produced their plans, and the present First Lord had dealt with them in the same way as his Predecessor. Now, he had long ago expressed the opinion, which he still entertained, that when people were engaged in one groove of thought they were not so likely to develop new and valuable plans as to enlarge upon that which had been their practice hitherto. He therefore thought the remarks of his right hon. Friend the Member for the City of London would have been more valuable if he could have shown that the three previous Administrations of the Admiralty had pursued a policy that was superior or more likely to be permanent than the one at present pursued. With regard to the position of our Navy, some things had been stated with which he could not agree. For example, we had been led to believe that the country ought to be exceedingly uncomfortable on account of the building of circular iron-clads in Russia. There could be no greater bugbear. At the Institute of Naval Architects he had shown that the best of these vessels was taking five times as much power to propel it as the ordinary vessels we were constructing, and that, notwithstanding this enormous power, it had only acquired the means of going something like 8 knots an hour; and Mr. Froude informed him that if these vessels had been driven at 9 knots an hour, they would have been driven under water. In fact, they were nothing more than floating fortresses and in that capacity might be of some advantage, but as ships of war they might be disregarded; at all events, they were of no serious importance. Then we had been told about certain vessels built for the Chilian and Portuguese Governments. These vessels were not of a size or construction which would be suitable for a great country like our own. At the same time the Portuguese Minister had laid down some conditions which were worth considering. Instead of prescribing

a plan to the builders, thus shutting out possible improvements, the Portuguese Government said—"Construct for us the best vessels you can construct for a specified sum." That example deserved imitation. The right hon. Gentleman (Mr. Goschen) asked what assistance previous Commissions had given in this matter. Not much, certainly. The late Mr. Corry, to whom the country owed great gratitude for the immense improvements he introduced into our steam Navy, saw the great advantage which was to be gained from external assistance, and with this view called upon a number of the best constructors in the country to place before him their plans for the best class of vessels. After Mr. Corry had obtained that information from the private firms, it was rendered nugatory by the course subsequently pursued by the *employés* of the Admiralty. The particulars were handed over to the Controller of the Navy and the Chief Constructor, the upshot being that all the plans were thrown aside, and that a proposal of the Chief Constructor was substituted for all the rest. This was a policy which he hoped his right hon. Friend would not adopt. He might here remark that he entertained the very highest opinion of the officers who were now engaged under his right hon. Friend in the construction of ships. His hon. Friend the Member for Hastings (Mr. T. Brassey) had led the House to imagine that the German Government had ceased to build iron-clads, but the truth was that no other Government in Europe was so actively engaged in constructing them. At this moment Germany had seven iron-clad ships which were not completed. These had been in course of construction between three and five years, and the reason why they were not yet finished was simply because sufficient manual labour could not be obtained. The most important point which had been alluded to was that of speed. This was one of the elements which was daily growing more important, and he believed it would become a positively exchangeable term for thickness of armour. If we had a greater amount of speed and a less thickness of armour, we should have an equally if not a more formidable ship. Under the circumstances, he thought the right hon. Gentleman the First Lord of the Admiralty, although he was not inferior to his Predecessors in his policy for giving

the country an efficient Fleet, would derive considerable advantage from external assistance, and he should be glad if the Admiralty could see their way to fortify themselves by some such arrangement as that proposed by his hon. Friend.

Mr. HUNT said, his hon. Friend the Member for Hastings (Mr. T. Brassey) had remarked that that was a favourable opportunity for reviewing our shipbuilding policy and had asked the Government to appoint a Royal Commission to inquire into it and into the resources of our Mercantile Marine for naval purposes. His hon. Friend founded his opinion that that was a favourable opportunity, on the fact that it was not proposed to lay down any new iron-clad during the present year. His hon. Friend, however, was mistaken in thinking he (Mr. Hunt) had said that no iron-clad would be laid down until the vessels now in course of construction were completed. He had not bound himself to that course; but what he really said was that, in the present state of things, looking to the comparative state of our armoured and unarmoured fleet, he did not think he should propose to Parliament to lay down an iron-clad this year. He admitted that if there were to be such a review as his hon. Friend proposed, this was not an unfitting opportunity for the purpose. The right hon. Gentleman the Member for the City of London (Mr. Goschen) proposed to him to meet this apparent dilemma. The right hon. Gentleman said—"Either you have no shipbuilding policy—and in that case you will do well to accept the invitation of the hon. Member for Hastings—or else you have a shipbuilding policy, and then you must resist the Motion." Now, he did not consider that was a proper alternative, for he might have a shipbuilding policy and yet be willing to accept the proposal of the hon. Member for Hastings, or something like it. The right hon. Gentleman pointed to the shipbuilding policy of Mr. Corry and the right hon. Gentleman the Member for Pontefract, and said to him—"What shipbuilding policy have you?" He would come to that presently. During his administration Mr. Corry, whom the right hon. Gentleman said had a shipbuilding policy, invited designs from outside in aid of the resources of the Admiralty; and it seemed, therefore, that he (Mr. Hunt) might accept the suggestion

of the hon. Member for Hastings without at all admitting that he had no policy. It was said when the last change of Government was made that larger demands for the Navy were to be expected. Nodoubt; and no one had better grounds for expecting those increased demands than the right hon. Gentleman who preceded him at the Admiralty and who knew what state the Navy was in when he left it, and what were its deficiencies. Then it was asked, what was the shipbuilding policy of the Government. Well, he defied any man to lay down a definite shipbuilding policy for the future—for this reason, that inventions and discoveries were daily being made which upset all previous calculations. Why, within a comparatively short period they had changed from the wooden ship to the iron-clad, from the iron-clad to the turret, and now they reached the armed citadel ship. However wise First Lords of the Admiralty might be, could any one, in view of these facts, venture to decide, three or four years in advance, what particular type of ship should be built? His shipbuilding policy was this—to keep pace with the inventions of the day and to keep ahead of all maritime Powers. Well, how was he carrying that policy out? When he came into office he found a great number of ships called obsolete—that was to say, ships which we would not lay down at the present day, but which, nevertheless, if put in proper order, would be able to meet vessels of other Powers built about the same time. Some of those ships he found in so defective a state that they were unfit to be sent to sea, or, at all events, to take part in an engagement; and, accordingly, he asked the House to increase the resources of the Admiralty in order to put these ships into a proper state. As hon. Members knew, it was a work of much less time to repair ships than to construct new ones, and the result was that from the time he took office the number of effective sea-going iron-clads had increased from 14 to 20, not to speak of those two powerful vessels the *Devastation* and the *Thunderer*. The latter, he might say, was not actually completed, but for all practical purposes might be considered so; and in two months another ship would be ready. Thus a great improvement had been made in the capabilities of the Navy, notwithstanding that great disas-

ter the loss of the *Vanguard*. Concurrently with the repair of the ships he had mentioned, four new iron-clads had been laid down. Well, the right hon. Gentleman said—"You have laid down two iron-clads of the *Shannon* class and two iron-clads of the *Inflexible* class; which do you prefer? because by laying down two ships of one kind and two of another, you seem to be halting between two opinions." [Mr. GOSCHEN: No, no!] At any rate, if the right hon. Gentleman did not say that, he asked what the shipbuilding policy of the Government was. His answer to the right hon. Gentleman was, that different classes of iron-clads were required for different purposes, and that in considering what policy they were to pursue, it was necessary to bear in mind the purposes for which ships would be required. They had, for instance, to meet an enemy in battle, to protect our commerce against an enemy's armed and unarmed cruisers, and also to inflict injury on an enemy's commerce in return. Well, for the protection of our commerce from armed cruisers, he had laid down two ships of the *Shannon* class of an improved type, a knot an hour faster, carrying more coal stowage, and armoured at the stern as well as at the prow, and therefore more efficient as fighting ships. As regarded line-of-battle ships he had followed the type of the *Inflexible*, and had laid down two ships of a less size and less costly, with an armed citadel in the centre, and with less tonnage than the *Inflexible*, not quite so powerfully armed, carrying not such thick armour, and with a less draught of water, preferring to build ships of a smaller size, as he recognized the truth of the saying that we ought not to put all our eggs into one basket. For the purpose they were designed to serve, he believed those ships were the best that could at the present time be devised. However, he was not prepared to say that as new discoveries were made the *Inflexible* type might not be improved upon, and it was for that reason that he declined to pledge himself to any particular class of ship for the future. All he would say was, that so far as their present knowledge went they had laid down the best type of ship they could, and that if in future any improvements were made upon it, they would not be slow to adopt them. This year he proposed to build un-

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armoured ships, because at the present time we had not enough of them. He had recognized it as his first duty to provide a sufficient number of ships of battle, but the protection of our commerce was a very important consideration. Well, he had to tell the House, and it was really a very serious statement to make, that if war broke out to-morrow he had not a single unarmoured ship to dispose of that was not already in commission. Under these circumstances, it seemed to him his bounden duty to lay down unarmoured vessels for the purpose of protecting our commerce in case of war, and, without saying that our naval power was as great as could be wished, we had certainly arrived at a point where we were practically safe and able to meet any combination that would be likely to be brought against us. But it seemed to him our unarmoured ships should not only be able to protect our commerce, but also to annoy an enemy's cruisers, and if necessary take part in a naval battle. The unarmoured ships which he asked the House to sanction were ships of a class which he believed would be exceedingly useful for the double purpose he had named. They would be useful as regarded the protection of our commerce and the annoyance of the enemy's commerce, and as auxiliaries to the iron-clad fleet. It was proposed they should have a speed of 13 knots and—this was a new feature—an armoured deck 3 feet below the water-line, which would entirely protect the machinery and boilers. They would also have a ram bow, and they would be armed with torpedoes. He believed ships of this class would be useful in times of peace; and in times of war they would be absolutely essential to protect our commerce from vessels like the *Alabama*. Some of those vessels would take about two years to complete, and the design upon which they were laid down was, as regarded the armoured deck, upon a principle recommended by Admiral Elliot in his Report on Designs of Ships of War. As to the question of using the Mercantile Navy in time of war, he had not been neglecting it, and he had very valuable information as to the number and classes of vessels which might be dealt with for this purpose. Though they might be considered useful auxiliaries, no one could look on merchant ships in their

present state as war vessels. The matter was undergoing careful consideration as to how they could be strengthened for war purposes, but he ventured to say this, that at the outbreak of war it would be impossible to find them serviceable for war purposes without considerable alteration. It was not desirable to rely on assistance from that source without being ready with a certain number of fast cruisers to take the sea. It was with that view that he had proposed to lay down these corvettes. He held that the present Admiralty had something like a shipbuilding policy, and when he was asked what it was he hoped it might be considered he had given a sufficient answer. The question was, how was he to deal with the Motion of his hon. Friend. He had the greatest confidence in the Constructor's department at the Admiralty. He could not accept the Motion, but he was prepared to agree to the appointment of a Committee such as sat in 1871, to consider whether, in view of the great development of modern weapons of offence, any material variation should be made in the type of ship which had been laid down during the last few years. He believed such a Committee would not seriously interfere with the business of the Admiralty, and would be able to conclude its labours within a reasonable time. In assenting to this Committee, however, he hoped he should not be considered to show the slightest want of confidence in his advisers, or any doubt as to the shipbuilding policy they had been pursuing; but in these days, when every fresh invention required almost a corresponding alteration in the plan of our ships, it seemed to him not unreasonable to accept all the assistance they could obtain, both outside and inside the Admiralty, as to this important question upon which the safety, honour, and dignity of the country mainly depended. He did not wish designs from outside to be submitted to this Committee; because as a ship progressed, the designs needed constant modification, and it was absolutely necessary that somebody should be responsible from beginning to end for the designs. Those submitted from outside could only be provisional and sketch designs, and it was necessary that the constructors of the Admiralty should be responsible for the design of a ship in all its stages of progression.

Of course, they would be perfectly ready to receive suggestions. He hoped his hon. Friend would be satisfied with the undertaking he had given and not press his Motion.

MR. T. BRASSEY said, that after the statement of the right hon. Gentleman, he felt that his object would best be attained by the course suggested by the right hon. Gentleman, and upon the understanding that such a Committee would be appointed, he begged to withdraw his Motion.

MR. CHILDERS said, before the Motion was withdrawn, he wished to express his gratification at hearing the very clear statement of policy made by the right hon. Gentleman, and especially his determination to maintain unimpaired the responsibility of the Department to Parliament, without the shield of a Royal Commission being interposed. With respect to the Committee which it was proposed to appoint, he would remind the right hon. Gentleman that in appointing the Committee in 1871 the late Government distinctly refused to refer to it the general question of shipbuilding; but limited its inquiry to the policy of the Government in constructing vessels of certain specified classes. He trusted that the Committee about to be appointed would also be limited in its investigation. It would be most dangerous to call for the production of plans and designs from the general public, and leave their adoption practically to an irresponsible Committee.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—NAVY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

£210,230, Coast Guard Services, &c.

MR. CHILDERS said, he would like to have some information as to the control of that part of the Naval Reserve which consisted of the men in the Coastguard. Formerly the Coastguard was part of the Customs; but, on the Report of a Commission, the control of the Force was transferred to the Admiralty, but still the administration was a separate department outside the Admiralty itself.

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The result was, that as a Naval Force great defects were allowed to grow up in it. When he had the honour of being First Lord, all that was changed. The administration of the Coastguard, as part of the Fleet was brought directly under the control of the Admiralty, and the Force itself cleared of inefficient men, and it was arranged that they should be sent to sea one-half at a time under the command of an admiral or commodore, the result being that the Force became a far more effective one. What he now wished to know was why the present Admiralty had upset that arrangement, which had been made with the concurrence of the most experienced officers, and the old arrangement resorted to?

MR. HUNT said, he did not wonder that the right hon. Gentleman should criticize the change made by the present Board of Admiralty; but, for his own part, he did not see any reason for the arrangement which had been made by the right hon. Gentleman, but that of saving the salary of the Comptroller of the Coastguard. One reason for removing the Naval Reserve outside the Admiralty was, that if he had not done so it would have been necessary to appoint another Naval Lord to the Board; but the chief reason was, that there was a slackness about the Naval Reserve; that there was no one to stimulate them; that there was a want of unity of management; and that there was no one person to look after them to see that they were doing their duty.

MR. GOSCHEN asked what course the right hon. Gentleman proposed to take this year with regard to sending the reserved ships to sea, whether they were to be sent to cruise generally, and under whose command they were to be placed?

MR. HUNT said, he thought it desirable that these ships, which were sent out for a short time with inexperienced crews, should be joined to a practised squadron, and he had therefore given orders that they should join the Channel Squadron by two or three at a time. In the course of this month two ships would join the Channel Squadron, and when they had been forty days out would be replaced by two others.

MR. GOSCHEN wished to ask whether the Channel Squadron would continue to be commanded by the same

admiral? He would also call the right hon. Gentleman's attention to his use of the expression "inexperienced crews." No doubt he meant that they were inexperienced in the sense of not acting together in ships; but they were not inexperienced as sailors, for they were, in fact, composed of the finest material in the Service. It was important that the public should know that these valuable vessels were not sent out undermanned or with inexperienced crews.

MR. HUNT was obliged to the right hon. Gentleman for calling his attention to the matter. What he meant was, that the seamen were not practised together on board their own ships, not that they were inexperienced sailors. He intended that the reserved ships thus sent out for practice should be entirely under the command of the admiral commanding the Channel Squadron. On the other point he might say that there was no intention to appoint another admiral. He thought that sending the Squadron round the coasts from time to time was a policy wisely favoured by successive Governments.

MR. GOSCHEN thought it might be gathered that the right hon. Gentleman intended this year that the men of the Squadron should have a considerable amount of exercise at sea as distinguished from harbour life.

CAPTAIN G. E. PRICE pointed out that the harbour duties and exercises were of themselves exceedingly important, and expressed a hope that the men would not be kept too much at sea.

MR. SHAW LEFEVRE asked what were the proposals of the Government with regard to the Coast Guard Naval Reserve? If the right hon. Gentleman wanted to keep the boys to a later age, he must hold out greater advantage than he now did.

MR. HUNT said, that if a boy passed the standard required by the Admiralty, he ought to be as proficient as a boy who had passed two years in a training ship; and he did not think £25 was too large a sum to pay for boys from training ships.

Vote agreed to.

Resolution to be reported.

Motion made, and Question proposed,

"That a sum, not exceeding £109,194, be granted to Her Majesty, to defray the Expenses

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of the several Scientific Departments of the Navy, which will come in course of payment during the year ending on the 31st day of March 1877."

Whereupon Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Rylands*,)—put, and agreed to.

House resumed.

Resolution to be reported To-morrow;

Committee also report Progress; to sit again upon Wednesday.

INDIAN LEGISLATION BILL.—[BILL 54.]

(*Lord George Hamilton, Mr. Attorney General.*)

ORDER FOR COMMITTEE DISCHARGED.

BILL WITHDRAWN.

LORD GEORGE HAMILTON, in moving that the Order for the House to be put into a Committee on the Bill be read and discharged, said, it would perhaps be for the convenience of the House if he were now to state what course the Government intended to adopt with reference to this Bill. The only object of the Bill was to strengthen and confirm the powers of the Legislative Council of the Governor General of India. Since the Bill had been before the House certain doubts as to the position of the Council had arisen in India which would require further reference to, and communication with, the Indian Government before they could be finally settled. Pending the settlement of these matters it would not be proper to ask Parliament to increase the powers of the Legislative Council, and he would, therefore, move that the Order be discharged.

Motion agreed to.

Order discharged; Bill withdrawn.

POOR LAW (SCOTLAND) BILL.

(*The Lord Advocate, Mr. Secretary Cross.*)

[BILL 130.] SECOND READING.

Order for Second Reading read.

THE LORD ADVOCATE, in moving that the Bill be now read the second time, said, in order to save time, he would suggest that any discussion that might be wished on the measure should be taken on the later stage. He would move its second reading.

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Motion made, and Question proposed, "That the Bill be now read a second time."—(*The Lord Advocate.*)

MR. RAMSAY objected to the Bill being taken at so late an hour.

MR. J. W. BARCLAY concurred in the objection, especially when the amount of opposition existing against it in Scotland was considered.

COLONEL ALEXANDER regretted to hear the remarks of the hon. Gentleman who had just spoken. He had lately come back from Scotland, and could testify that there was only one chorus of approbation of the conduct of the Government in proposing the Bill. The feeling was, that if they had only carried the clause providing for medical aid, that alone would have entitled the Government to the gratitude of the people of Scotland.

MR. CAMPBELL - BANNERMAN said, that without pronouncing any opinion for or against the Bill, he was sure there was not such a chorus in its favour as had been represented. He thought, moreover, that nothing whatever would be gained by reading the Bill a second time now and taking the discussion at a later stage. It was rather a slipshod way of conducting business. They had Scotch Business put down and deferred night after night, and then they were at last implored to pass Bills, even without discussion. That he regarded as anything but the right mode of conducting Scotch Business.

SIR EDWARD COLEBROOKE said, the questions which were raised in the Bill were matters which were much ventilated in Scotland. There was considerable difference of opinion and much discussion upon them. Therefore he thought that the House should have a fair opportunity of considering the measure.

MR. ANDERSON said, he approved of the Bill in a general way, and should be glad to see it read a second time. Yet he must complain of the manner in which Scotch Business was treated by the Government. Scotch Members were treated badly by the last Government; but the present were even worse, inasmuch as they never could get discussions of Scotch Business except private Members Bills on Wednesdays. On such occasions as the present the Bills were

always left over till 1 or 2 o'clock in the morning; and then it was said that if they were not allowed to pass without opposition, they would not be taken at all. The Bill was very much what it had been described to be by the hon. Baronet, and would not require much discussion till after being in Committee; but still, as it was a matter of great importance to the Scotch Members, they would like to say something about it, and he would consent to the second reading now if the Government would undertake to allow them to have a full discussion on going into Committee.

MR. ASSHETON CROSS said, he had entered into an engagement that when Bills were opposed an opportunity should be given to hon. Gentlemen for having them discussed; but he had consulted the Lord Advocate in regard to this Bill, and they had agreed that it was an exception. There was no opposition to the principle of the Bill, and the only points on which discussion would take place were those of detail, and he assured them there would be ample opportunity for discussing these on a future occasion.

MR. YEAMAN said, that so far as his constituency were concerned, they had no objection to the principle of the Bill, though they thought considerable alteration was required on the clauses. He thought they might take the second reading now.

MR. RAMSAY, in explanation, said, he did not object to the principle of the Bill, but to the time at which Scotch Business was brought forward.

MR. MELDON said, the same objection would apply to Irish Business.

MR. NEVILLE-GRENVILLE suggested that Morning Sittings were required.

Question put, and *agreed to.*

Bill read a second time, and committed for *Monday* next.

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, 9th May, 1876.

MINUTES.]—PUBLIC BILLS—*First Reading*—Burials in Churchyards* (77); Pier and Harbour Orders Confirmation (Aldborough, &c.) * (78); Poolbeg Lighthouse * (79).
Second Reading—Drugging of Animals (53).
Committee—Report—All Saints, Moss * (70); Local Government Provisional Orders (Nos. 2 and 3) * (62-63).
Third Reading—Irish Peerage * [32], and *passed*.

DRUGGING OF ANIMALS BILL—(No. 53.)
 (The Marquess of Huntly.)

SECOND READING.

Order of the Day for the Second Reading read.

THE MARQUESS OF HUNTLY, in moving that the Bill be now read the second time, said, that the object of the measure, which had come up from the Commons, was to prevent the administration of poisonous drugs to horses and other animals by unqualified persons without the knowledge and consent of the owners. As was well known to their Lordships, waggoners, grooms, and other servants having the care of horses frequently administered drugs for the purpose of improving their coats, and for other purposes. Too frequently the operation of these drugs was injurious or fatal to the animals subjected to it: and he had letters from farmers and landlords in the Midland Counties stating that the practice was very common there and had resulted in very heavy pecuniary losses. The first clause of the Bill—which was the only operative clause—provided that if any person wilfully and unlawfully administered to any horse, cattle, or domestic animals any poisonous or injurious drug, unless reasonable cause be shown, he should be liable on summary conviction to a penalty of £5, or imprisonment in the case of a first offence for one month, or for a subsequent offence three months, with or without hard labour. The Bill had met with general approval in the other House of Parliament, and he trusted it would pass through their Lordships' House without opposition.

Moved, "That the Bill be now read 2^a."
 —(The Marquess of Huntly.)

THE DUKE OF RICHMOND AND GORDON concurred with the noble Marquess as to the necessity for such a measure as this. Very serious results, indeed, had followed the practice of carters in Lincolnshire and other counties giving poisonous substances to horses for the purpose of making their coats look well. If they devoted more time to the grooming of those animals they would bring about all that was desired in the appearance of the coat without the dangerous consequences which followed the administration of those drugs.

Motion *agreed to*; Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on Monday next.

BURIALS IN CHURCHYARDS BILL [H.L.]

A Bill for the better regulation of Burials in Churchyards—Was *presented* by The Earl GREY; read 1^a. (No. 77.)

House adjourned at half-past Five o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 9th May, 1876.

MINUTES.]—RESOLUTION IN COMMITTEE—Admiralty Jurisdiction (Ireland) [Salaries] *. SUPPLY—*considered in Committee*—Resolution [May 8] *reported*.
 PUBLIC BILLS—*Second Reading*—Metropolis Gas Companies [28]; County Rates (Ireland) [138], *debate adjourned*.
Committee—Report—Municipal Privileges (Ireland) * [39].
Third Reading—Chelsea Hospital Accounts * [133], and *passed*.

ARMY—ADJUTANTS OF MILITIA.

QUESTION.

COLONEL NAGHTEN asked the Secretary of State for War, When the Circular or Warrant to grant compensation to Adjutants of Militia who perform the duties of Acting Paymasters will be issued?

MR. GATHORNE HARDY, in reply, said, that there was no intention to issue a Warrant. Pending an arrangement being made, the officers in question would receive an allowance in respect of the duties so performed by them.

SHREWSBURY AND HOLYHEAD ROAD. QUESTION.

MR. LEIGHTON asked the President of the Local Government Board, Whether in the Highway Bill which he has introduced he will insert a Clause to deal with the exceptional case of the Shrewsbury and Holyhead Turnpike Road Commission in those districts where the ordinary Turnpike Road Trusts have expired or are about to expire; whether, considering that the said Commission was reported in 1873 to have £3,493 in hand as assets, to have no ascertainable creditors, and to manage its income at a cost of more than £20 per cent per annum for clerk, surveyor, and incidental expenses, he will recommend its extinction; and, whether, considering that the road was made for Imperial purposes and of unusual width, he will, should the turnpikes on it be abolished, recommend that an Imperial subsidy should be granted towards its maintenance to the local authority upon whom the burden of its maintenance would then be thrown?

MR. SCLATER-BOOTH, in reply, said, it was no part of his duty, as framer of the Highway Bill, to provide clauses for the more rapid extinction of Turnpike Trusts other than those already in the Bill. The case of the Holyhead Road was a peculiar one, in that it was a perpetual trust, and he was not prepared to say that it did not require amendment or repeal. It appeared, however, that that road was more than self-supporting, having in 1873 £3,493 in hand as assets, and no ascertainable creditors, and it would seem *prima facie* to provide some machinery for the extinction of the toll. The case was not, under the circumstances, one in which an Imperial subsidy should be given.

POLICE — DEVONPORT WATCH COMMITTEE.—QUESTION.

SIR WILFRID LAWSON asked the Secretary of State for the Home Department, Whether the rule in force at Devonport is that the superintendent of police may not apply for summonses in any case until the Watch Committee have heard evidence and decided whether there is a case for the magistrate or not; and, whether this system has not been strongly condemned by Captain

Willis, inspector of constabulary; and, if so, whether he proposes to take any steps in the matter?

MR. ASSHETON CROSS, in reply, said, that the Watch Committee at Devonport did exercise the power which had been attributed to them in the Question put by the hon. Member for Carlisle. He entirely agreed with Captain Willis in his strong disapproval of such a practice. He could not conceive how any Watch Committee could for a moment think of taking upon themselves such a responsibility. He believed this was an isolated case; if it were not so, it would be his duty to take steps in reference to a practice which, now that attention had been directed to it, would, he hoped, not further be resorted to.

SALMON FISHERIES INSPECTORS REPORT—THE WYE.—QUESTION.

MR. CLIVE asked the Secretary of State for the Home Department, Whether he has been informed of a serious error and awkward mistake in the Report of the Inspectors of Salmon Fisheries as to the take of fish in the Wye; and, whether he will have any objection to lay before the House Copies of the Correspondence that may have passed between himself or the Inspectors of Fisheries and other parties on the subject?

MR. ASSHETON CROSS, in reply, said, he understood that while the Report of one of the Inspectors of Salmon Fisheries was going through the press, by a clerical error the word "increase" was unfortunately printed "decrease." He had no objection to lay the Correspondence referred to by the hon. Member on the Table. Directions had been given for the reprinting of the Report in its corrected form.

INDIA—BISHOPRIC IN NORTHERN INDIA.—QUESTION.

MR. CUST asked the Under Secretary of State for India, Whether he has read the proceedings of a large and important meeting recently held at Calcutta, and presided over by the late Viceroy, at which a Resolution was unanimously adopted, that it was most desirable to form an additional Bishopric in Northern India; and, whether the Government will take the opportunity of the See

being now vacant to give the subject their favourable consideration?

LORD GEORGE HAMILTON, in reply, said, the meeting alluded to had attracted the attention of the Secretary of State for India, and the Government would be prepared to give their favourable consideration to the division of the present See provided that the funds for the endowment of an additional Bishopric could be furnished from private sources.

BARBADOES—ALLEGED RIOTS.

QUESTION.

MR. WAIT asked the Under Secretary of State for the Colonies, Whether he has received any further information, official or otherwise, respecting the recent disturbances in the Island of Barbadoes; and, if so, whether he is in a position to lay such information upon the Table or to communicate it to the House?

MR. J. LOWTHER: According to our latest advices from Barbadoes there has been no renewal of rioting in that island. I regret, however, to have to state to the House that a telegram has been received from the Governor of Barbadoes, in which he announces that some disturbances had occurred in the neighbouring island of Tobago. No cause is given for these disturbances, nor are any further particulars stated beyond this, that the Governor has sent Her Majesty's ship *Argus* to Tobago. My noble Friend the Secretary of State has telegraphed for full details, which have not yet been received.

FINE ARTS.

MOTION FOR AN ADDRESS.

SIR CHARLES W. DILKE, in rising to call attention to the position of Art Education in England, and to the constitution of the Royal Academy of Arts, and its neglect to carry out the reforms unanimously recommended by a Royal Commission, and to move—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to cause to be laid before Parliament, a Copy of a late Report on the direction of the Fine Arts in France, made by M. Edouard Charton to the French Ministry of Public Instruction; and also praying that She will be graciously pleased to cause Her Representatives at the European Courts to report on the present

attitude of the State towards the Fine Arts in the various Countries of Europe,"

said: I feel that I may be asked why the question should be handled by myself, rather than by any other Member of this House. I will not plead in reply a love of Art, which, though uninstructed, is nevertheless as real and as deep as that of any Member of the House, but will confine myself to stating that nearly half the Royal Academicians and a large proportion of the exhibiting painters of all England live in the borough which I represent, which gives me a special interest through my constituency in all Art matters.

The old position of the Government of England towards Art—that of standing altogether aloof, has been given up, we now spend large public funds on Art, and we spend them through an obscure Department. At the same time, we recognize a body which was formed to do the work which that Department partly does. Those two establishments ought, at all events, to be brought into relation, and as the State has thought it right to foster the Art education of the people, the higher Art education as well as the lower should be brought under the view of Parliament. The present position of Art education in England is anomalous. Although the Royal Academy was founded for the promotion of the Arts of design, the Academy has never done anything in this direction. Government has undertaken entire control of the system of the instruction of students in the elementary principles of design, and it leaves the larger interests of the higher Art education to independent and irresponsible management. Ten days ago, when the Prime Minister went to dine with the Royal Academy, he spoke with great force and great truth of the progress which England had made in Art, and he gave as his instances the creation of the National Gallery, and the formation of Schools of Design. I think that the Academicians must have turned pale when they heard him. The creation of a National Gallery and the formation of Schools of Design were two of the objects which George III. had in view when he created the Royal Academy.

Both of them have been magnificently accomplished. Neither of them has been accomplished by the Academy. The Academy never did anything whatever

for the establishment of Schools of Design, and the State stepped in and founded them. The Academy positively obstructed the formation of a National Gallery, and refused a great bequest which had been left it upon that condition. The State stepped in again and formed that National Gallery which the Prime Minister is right in saying is fast becoming the first collection in the world, a statement to which we may be allowed to add that which he could not add—namely, that the credit of the finest of its modern purchases belongs to the right hon. Gentleman himself. The Academy has never enforced upon the Government the wants of the nation in regard to Art. It has never taken the lead in any movement for the encouragement of Art. Its schools have been improved only after they had been surpassed by those of South Kensington. Its exhibitions of Old Masters have only been carried out tardily, after the British Institution had splendidly shown the way; the Academy, discouraged, as Mr. Watts well showed before the Royal Commission, all schemes for the decoration of public buildings; it held aloof from the establishment of Schools of Design; it retarded the establishment of the National Gallery; and it has at length undertaken the creation of a gallery of modern painting by native artists, which does not as yet exist, only when this matter has been forced upon it by a magnificent bequest. In no case that I can remember has the Academy ever come forward to champion the Art interest either of the public or of the artists of England. I do not wish to raise the question of the effect on Art of the existence of an Academy. There is much to be said upon that score, but I am not here to say it. It is true that Hogarth, Gainsborough, and Reynolds, the glories of the English school, learnt to paint when there was no Academy in England, and that their work has never been equalled since. It is true that Alma Tadema, Poynter, and Leighton, whose pictures this year occupy the first place in the estimation of the artistic public, were trained abroad, and that their talent cannot be claimed for the Royal Academy. Yet I wish it to be distinctly understood that I regard the Academy as a great fact; that I have no desire, even in my own mind, to contemplate its destruction; and that, as it

exists and is what it is, I wish to see it reformed, strengthened, and improved. It is hardly to be expected that anyone will now contend that the Academy is a body, the constitution of which ought not to be discussed in Parliament. As it will be seen by the Notice which I have placed upon the Paper, I do not propose to ask the House of Commons to definitely suggest any particular change. It is my hope that the result of the discussion, and of the evidence as to the systems which exist in the other European countries may induce the Academy to reform itself; but if it does not do so, Parliament has clearly a right to deal with it as it is this year dealing with the Universities. In his evidence before the Royal Commission, which sat in 1863, Sir Robert Collier proposed a very sweeping reform of the Academy by Parliament. When asked whether we had any right to transfer the funds of the present close Academy to a reformed body, Sir Robert Collier, speaking as a lawyer, said that the right of Parliament to deal with the Academy could hardly be disputed. One member of the Commission took the other view, and asked Sir Robert Collier whether there would not be injustice in touching that part of the property of the Academy which has been earned by itself through the annual exhibitions. Sir Robert Collier answered—

“ I do not understand that this sum of money is money which the Academicians could put into their own pockets. It is clothed with trusts, and held by them as a Public Body. . . . The Academy is sufficiently a Public Body, and these funds are sufficiently public funds to justify the Legislature in dealing with them as I have suggested.”

The very appointment of the Commission assumed that the Academy was a Public Body; the Commission said so in their Report, and they founded that statement upon the opinion of the Law Officers of the Crown. What, indeed, is the present position of the Academy? It was founded by Royal Instrument. Its early debts were paid by the King out of funds provided by the country. For 100 years it enjoyed rooms rent-free from the nation. It now enjoys a magnificent public site at a nominal rent. It has to administer, on behalf of the public, the Turner Fund of £23,000, and the Chantry Fund of £100,000. It is regarded by the community as a Public Body of a national character, and that view is

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confirmed by the Report of the Committee of 1836, as well as by the evidence of the great majority of the witnesses before the Commission of 1863. The Committee of 1836 said—

"It possesses the privileges of a Public Body, without bearing the burden of public responsibility."

Sir Charles Eastlake, who was President of the Royal Academy in 1863, distinctly and repeatedly stated to the Commission that the Academy was a Public and National Institution. He went on to say—

"The management of the Academy has been occasionally inquired into by Parliament in a fair and not vexatious spirit, and to such control the Academy must be content to submit, and will cheerfully submit."

It is in a fair and not vexatious spirit that I now raise the question. There is only one further bit of the evidence upon this point before the Commission that I will quote. Mr. Westmacott, R.A., when he was asked—"Do you consider the Academy a public or a private institution?" replied—

"I find it rather difficult to answer that question. When we wish not to be interfered with, we are private; when we want anything from the public, we are public."

In 1865 there was a correspondence between the right hon. Gentleman the Member for South Hampshire (Mr. Cowper-Temple), who was at that time Chief Commissioner of Works, and the Royal Academy. The Chief Commissioner offered the Burlington House site to the Royal Academy, but in making the offer added—

"That the public interests required the enlargement of the Constituent Body, to which was entrusted the duty of electing the Academicians and Associates."

In a further letter dated November 18th, 1865, the First Commissioner of Works repeated his proposal. He wrote—

"The gift of this site would be equivalent to the grant of a considerable sum of public money, and could only be justified on the grounds of the benefits conferred by the Academy in respect of the development of Art. . . . It is the duty of the Government to consider, before making this gift, whether it is not possible by some improvement in the regulations and constitution of the Academy, to render it more conducive to the great purposes for which it was founded by the Sovereign."

The Chief Commissioner went on to remind the Academy that, among other

important reforms, the Commission had recommended a vast increase in the number of the Associates. He then wrote—

"Upon this question the Government concur with the Report of the Commission, and not with the observations of the Academy; and they consider the enlargement of the constituency, and the admission of some of the younger and rising artists to a share in the elections, as of primary importance. The Government have accordingly been authorized by Her Majesty to require, previous to the grant of a site, such modifications of the constitution of the Academy as will secure the objects above mentioned. There are other points on which alterations are desired, but they are of less importance than this one, and I am prepared to say that if I receive shortly an announcement on this subject that is satisfactory, the site in Piccadilly will be let on a long lease to the Academy."

In a reply, dated February 26, 1866, Sir Francis Grant, as President of the Academy, "gladly accepted the proposed site." He said that the Academy had already, "before the appointment of the Royal Commission," resolved to carry out important reforms, "embracing the enlargement of the Constituency;" but these changes were "held in abeyance in deference to the communication of the Government." On the 26th of March, however, Sir Francis Grant and the Academy had changed their mind, and wrote—

"With regard to the question of largely increasing the number of Associates, the Academy at first very warmly entered into the scheme, but they found that it was beset with many difficulties. . . . The Academy, seeking to avoid those difficulties, and at the same time desirous to have it in their power to recognize all remarkable talent outside their walls, have passed the following resolutions, which they hope will be satisfactory to Her Majesty's Government and the country:—Resolved—(1) The members of the Royal Academy do not consider it expedient to increase the present number of Academicians. (2) That the number of Associates be indefinite, but that there shall be a minimum of 20—to be always filled up."

The acceptance of the site, it will be remembered, was in February, 1866; but on June 22, 1866, Sir Francis Grant wrote to the First Commissioner of Works, that the Royal Academy had, after very mature consideration, authorized him, in their name, to decline the proffered site. At this moment there was a change of Ministry. The noble Lord who is now Postmaster General (Lord John Manners) became First Commissioner of Works, and in the absence—so far as I can discover—of any published

correspondence, I suppose that the noble Lord gave up every point for which his Predecessor had been struggling, and made over the other, or second Burlington House site to the Academy without conditions. I should like to ask the noble Lord whether any correspondence took place at all, or whether the matter was settled verbally in a conversation between himself and his distinguished Relative, Sir Francis Grant. If there was any correspondence, I should like to ask whether it can be seen.

I have spoken of the neglect of the Academy to carry out the reforms proposed by the Royal Commission. I will give presently a list of those reforms, and show that not one of them has been carried into effect. One change has indeed been made. Votes have been given to the Associates, but this change was but a part of the particular reform to which it belongs, for the Commissioners recommended a vast increase in the number of Associates, and consequently, in the size of the Constituent Body; whereas, until my Notice appeared upon the Paper of the House a month ago, no increase in the number of Associates had been made. The resolutions of the Academy upon this subject are full of interest. In 1866 the Associates were 20. The Academy resolved that the number should be "indefinite." "Indefinite" as it was, the number from 1866 to 1876 remained 20. A fortnight ago four additional Associates were elected, and there are now 24, and Sir Francis Grant has told us that at some future time there are to be 30. We have to deal with facts, and there are at present 24, and for 10 years, although the number was "indefinite," and there had been much talk of an increase, there have been but 20, until my Motion appeared upon the Paper. It will be remembered that the right hon. Gentleman the Member for South Hampshire (Mr. Cowper-Temple) told the Academy, with reference to the increase of the number of the Associates, that the Government considered—

"The admission of some of the younger and rising artists to a share in the elections to be of primary importance."

No effect has been given to the wish expressed in favour of giving a voice to a certain number of the younger men. The Associates elected in old days and

up to a fortnight ago averaged 50 years of age at the date of their election; the four Associates who were elected a fortnight ago averaged 54. That is what has come of the admission of "the younger" and more promising men. One of the Associates then elected was aged over 60, and had not exhibited for seven years.

I have been told that—a short time ago—attention might have been wisely called to the insufficiency of the reforms which have been introduced into the Royal Academy since the date of the Report of the Commission of 1863, but that, owing to the changes lately made, the position of the Academy is stronger than it was before. I have shown what those changes are. To me those changes present themselves in a very different way. They are too small to remove any of the grievances of which we complain; and, on the other hand, the making of them shows that the Royal Academy are aware that public opinion is against them. The changes are altogether insufficient, if not merely delusive. These small changes, too, have been made most grudgingly. In the Autumn of 1875 they were announced as immediately impending. They were, however, twice negatived by a majority of the Academicians, and the small addition to the Associates was only carried after it had become known that the constitution of the Academy was to be brought before the House of Commons. It has been rumoured that on all the occasions when reforms have been negatived, the great names of the Academy have been found in the minority, and I believe that the public would be indeed astonished if the division lists on those occasions were to be published by the Press. I am not complaining of the omission to elect any particular men. It is true that some great names in modern English Art are outside the Academy, in which Burne Jones, Rossetti, Holman Hunt, Moore, whose pictures are so much praised this year, and Linnell have found no place; but this has always been so, and is, perhaps, inevitable. Girtin, Old Crome, Haydon, John Martin, David Cox, Prout, Nasmyth, Copley Fielding, Müller, and many other of the first names in English Art, are not to be found in the lists of the Academy. With regard to some of these, and with regard to some of those

who are now, late in life, Academicians, it may be said of the Royal Academy that men of genius have been kept out of the body, and opposed during all that period of their artistic life when their genius most needed recognition and support. Some have been driven out of the practice of the higher branches of Art; some have kept up the struggle until the ardour of youth has passed, but have ended by being offered membership of the Academy, and have consented to join it when the work of their life was done. What is the change which has been made 100 years after the foundation of the Academy. After a great revival of Art in England, and when, according to the evidence of the President of the Royal Academy, Sir Francis Grant himself, English Artists have increased fifty-fold in number, no addition has taken place to the members of the Academy, but four names have been added to the small body of Associates, which itself was called into existence before that great increase in the number of the Artists which the President of the Academy had before him when he spoke.

What were the recommendations of the Commissioners in 1863, and which of them have been adopted. The recommendations were very many, and amongst them were these—That a Royal Charter should be granted to the Academy, with visitorial power given to the Crown; that the number of Associates should be greatly extended; that the then existing Academicians and Associates should be allowed to send four pictures only, as of right, instead of eight, and that new Academicians, not associated at the date of the Report, should not be allowed to send pictures as of right, but should stand on the same footing with other Artists; that the Exhibition should be open free on Saturdays. None of those changes have been made.

With regard to the widening the basis of the Academy by the increase of its constituency, which is the largest question, during the investigation of 1836, Mr. Haydon, the great painter, said—"I think the present system of self-election most pernicious." That was also the view taken by many witnesses before the Commission of 1863—for instance, by Mr. Ruskin, by Mr. Holman Hunt, Mr. Layard, and Sir Robert Collier. The latter can certainly

not be prejudiced against the Academicians who have always hung his admirable pictures, not better than their excellence deserves, but certainly very well. The Commission reported in favour of increasing the Associates to at least 50 with votes. If this were done, and if the Academy received a Charter giving visitorial power to the Crown, the Commission thought that election by "outsiders" would be unnecessary; but it is clear from what they said that they thought that even that would be better than the present system. If Sir Francis Grant is right in thinking that the Artists have increased fifty-fold since the creation of the Academy (while the Constituency has increased only from 40 to 64), a constituency of 2,000 would not be a wider constituency in proportion to the whole body of Artists than was the original 40. If, as the Academicians say, a large educated constituent body cannot be created; if the materials do not exist, surely it speaks very badly for the Academy, who for 100 years have had the Art Education of the Nation in their hands. At the present moment the Academy, with its limited constituency, is a head without a body. It shows all those evils which distinguish close Corporations. The average age at which men are elected Academicians is 50, an age at which, in painting, the hand and eye begin to decline, as Sir Edwin Landseer, in his evidence before the Commission most ably showed. One pledge, once given by the Academy, was that for the future Academicians should be elected from among the Associates, not by seniority, but for merit. In a late election the Academician elected had been for 30 years an Associate, and it is no reproach to him to say that at the time of his election he was far less capable than he had been in his past of producing good work. To return for a minute to the evidence given before the Commission upon this point, the hon. Member for Cambridge University (Mr. Beresford Hope) did not agree in election by "outsiders," but he "thought that the Royal Academy could be very greatly improved," and improved in directions in which it has not since that date been touched. Mr. Watts, whose position as one of our foremost artists gives his opinions peculiar weight, also thought the Academy capable of vast improvement in directions in which no

change has since been made. He said—

“Considering the position which the Royal Academy holds, it has displayed very great apathy. I do not see its influence on our architecture or our taste in any way whatever. The only National School which has grown up at all has grown up outside the Academy, and indeed in opposition to it—that is the Water-colour School; and the only definite Reform movement was certainly not stimulated by the Royal Academy, and even met with opposition from it.”

Mr. Watts was then asked, “Do you ascribe the facts you mention to some defect in the Royal Academy?” He replied—

“It seems to me that there must be some defect in the Royal Academy. If they were extremely anxious to develop taste, or to encourage Art, I think that some means would have been found; but I do not see that the Academy has done anything whatever.”

Mr. Ruskin, in his evidence, said, “I should wish to see the election confided to other hands.” He said that the present body—

“Generally chose those who are likely to be pleasant to themselves; pleasant, either as companions, or in carrying out a system which they choose for their own convenience to adopt.”

At a later period in his examination, the following question was put to Mr. Ruskin :—

“Speaking generally, have you, in the course of the last few years, been satisfied with the selection of artists into the Royal Academy?”

“No; certainly not,” was his reply. Sir Robert Collier said—

“The Royal Academy, as at present constituted, does not fairly represent the great artistic Body, and does not possess the confidence of that Body.”

Mr. David Roberts, R. A., Sir Edwin Landseer, R.A., and Mr. Maclise, R.A., said that the Academy was a self-elected Body, and was most unpopular, and that it was most desirable that great changes should be introduced into its constitution. Mr. Armitage, R.A., said—

“We all think a reform is absolutely necessary. We consider the position of the Academy an anomalous one, and we think that either it should become a great National School, or else should sink into a private Body like the Water-colour Society. Of course, the former change would be the more desirable of the two.”

It is hardly likely that the Academy should command the confidence of the general body of artists. If there were in England only 64 recognized surgeons

and physicians, who elected themselves for life, and took all the rich patients, it is not probable that the general body of unrecognized medical practitioners would have full confidence in their proceedings.

The Commission also reported against the Acadomicians' privilege of exhibiting eight pictures as of right, and recommended that they should be allowed but four, and their successors none, as of right. This change has not been carried out. There is upon the point some interesting evidence of the present President of the Academy, Sir Francis Grant. He was asked whether there would be any injustice in diminishing the number from eight to four. He said—

“None whatever. I should be very glad myself if it were so. . . . I should be greatly relieved by the passing of such a law.”

I have no doubt that Sir Francis Grant would be greatly relieved, for I notice that during the last five years he has exhibited six portraits each year. This year he has, in view of my Motion, contented himself with five pictures. The evidence in favour of the curtailment of the privilege was unanimous. Some of the witnesses were not asked any questions upon the point, but those who were all took strongly the same view—for instance, Mr. Ruskin, Mr. Woolner. Mr. Layard, Mr. M'Callum, Mr. Tom Taylor, Mr. Holman Hunt, and many others. Yet the privilege has lasted 13 years longer, and exists to this day. The French Academy have gone far ahead of us in this respect. They have lately abolished the privilege of sending in four pictures as of right, and have replaced it by the provision that two only shall be allowed.

Leaving once more the Report of the Commission, I wish for a few moments to consider the general position of the Academy. In 1862, in a debate in this House, the First Commissioner of Works said that the duties of the Academy were three-fold—(1) To reward merit by granting honorary titles; (2) to manage the annual English Exhibition of Works of Art; (3) to conduct Art-teaching. I would follow a very able writer, who has been lately discussing the functions of the Academy, Mr. Comyns Carr, the Art critic of *The Pall Mall Gazette*, in adding a fourth head to the list—(4) the official representation

of Art in its relations to the public and to the State.

As for the first head, the distribution of honours, I have already pointed out that some men of acknowledged talent are confessedly and notoriously outside the Body, and that, under the present system, rising men are never admitted even to Associateship until they are past the age at which the recognition of the Academy can be of service to them. I have been told that the recent election of Associates will increase the popularity of the Academy. I confess that I hardly think so. Three out of the four elected are, I believe, over 54; the average age of the Associates elected was, I believe, 54; the average of the Associates elected until then having been, I believe, 50. We have been told in the public papers, with what truth I know not, that there are two regular parties in the Academy, like the two regular parties in this House, and besides these a third party, which resembles the party of the hon. and learned Member for Limerick (Mr. Butt), and which is known as "The Gridiron Gang," and that in the recent election of Associates an attempt was made to conciliate that body. If the election of Associates is well-conducted, the selection of pictures is badly-conducted by the Academy. If the selection of pictures is well-conducted, then the selection of Associates is badly conducted by the Academy, for one, at least, of the gentlemen recently made Associates had had pictures rejected last year, and after one of the new Associates had been elected the Council of the Academy had to fly to the heap of pictures marked "doubtful," and rescue for exhibition the picture of one of their new colleagues. The younger, or rising, painters have never been reached by the Academy at all, for the Associateship has never been used by the Academy in such a way as to make it a really different rank from membership of the Academy. The existing system is neither the one thing nor the other. There are 64 selected Artists. Now there are not 64, or anything like 64 artists of the first rank in the country. On the other hand, if you look to competency there are 300 or 400. The present system mixes together in an indistinguishable mass of 64, a certain proportion of the first-rate painters of

England, with a certain proportion arbitrarily selected of the merely competent. The Associate body ought to be, not only a probationary body but a body equivalent to the French Medallists, who are *hors concours*. The Commissioners when they proposed a large increase of the numbers of the Associates intended to so widen the basis of the Academy as to make the election to the smaller body a satisfactory election. The addition of four, or even 10, to the existing number of Associates can be no real enlargement of the basis of the Academy, and can yield no real increase of its hold upon the public. As for the management of the annual Exhibition of Works of Art, I shall say but little. Both with regard to the selection of pictures, and the hanging of those selected, it would be easy for me to produce instances in which the Royal Academicians have mismanaged the task which is imposed upon them; but this would be an unpleasant and an invidious duty, and it is one from which I shrink. Of the past, and of dead artists, I may without impropriety speak: David Cox and Copley Fielding were always "rejected," or badly hung. Of the present I will only say that I have lately known a picture rejected for which a dealer has immediately given 1,500 guineas, and that Messrs. Danby and Alfred Hunt, distinguished members of the Old Water Colour Society, have had their pictures rejected this year. In France, also, until 1863, the selection and hanging of pictures for the *Salon* was in the hands of the Academy. The French artists revolted against this system, and a selection jury, elected by those who had at any time exhibited in the *Salon*, was substituted with the best results. The Academy have this year hung several pictures which they rejected last year, which shows caprice. It is also the general opinion of artists that a more interesting exhibition than that which is made might be made each year out of the materials in the hands of the Royal Academy. If I were going into detail upon this point I should have to speak strongly of the treatment of landscape Art. In landscape alone we have an "English school." Forty years ago landscape Art was represented in the Academy by Turner, Constable, Stanfield, Calcott, Roberts, Danby, and many more. At the present moment the only landscape painters in the Academy, so

far as I remember, are Mr. Cooke, the marine painter, who is not a landscape artist proper; Mr. Vicat Cole, Associate; and Mr. Oakes, Associate. Mr. Millais was elected as a figure painter, and paints landscapes only in his leisure moments; and all the vacancies which have been caused by the deaths of landscape artists have been filled up by the election of figure painters. The natural result is that landscapes are badly treated in the selection and hanging; that rising artists are driven to neglect landscape for figure painting; and that the English Royal Academy for the promotion of the Arts in England has distinctly discouraged English Art in that point in which it best compared with the Art of other countries. Not only does there not exist in any other country a privilege corresponding to that possessed by Academicians, of hanging eight pictures as of right, but in all other countries the admission of pictures to the *Salon* is determined by a jury either partly or wholly elected by the general body of artists. The result of the English system is seen in successful proposals for rival exhibitions, and in the fact that some of the first painters in the country refuse to send their works to the galleries of the Royal Academy.

One further suggestion was made by the Commissioners, with regard to the Exhibition, which has also been neglected by the Academicians—namely, that there should be one free day a week at the Exhibition. When the Academy was first established it was so distinctly regarded as a Public Body existing for the promotion of Art, and so little as a Private Body existing for the purpose of making profits by its exhibition, that a laboured apology was made by the Academy for even asking for payment for admission on any day. I wish that I could hope that the Prime Minister, who would, I am sure, sympathize with the Commission in this respect, would use his influence with the Academy to obtain the one free day a week.

I come now to the functions of the Royal Academy in the direction of the Art education of the country. A subject which I can touch but in the most cursory manner, for it would take hours to deal with it as it should be dealt with. A system of Art education, which ought to have grown up under the direction of the Royal Academy, has grown up

outside of it, and the Science and Art Department has usurped the position which the Crown intended, in founding the Academy, that that body should take for its own. This has not been wholly the fault of the Academy. That body may have been apathetic and inert, but Government did nothing to rouse it from its inaction, and the new system was founded without the Academy having been consulted. At the same time, great public advantages have been conferred on the Academy on the ground that it is the national body for directing the instruction of English students in Art, although, as a fact, the Art education of the country has passed almost entirely into other hands. The teaching in the Art Schools of the Provinces is not of a high order; and it is of no use to go on raising 1*d.* rates and multiplying inefficient schools until we have set in order the directing bodies in London, connected South Kensington and Burlington House, and created some central authority capable of directing the wasted forces of South Kensington, and of stimulating the Academy to act with, or to supervise, those who are attempting to do for it the work which it should perform. The Schools of the Academy are taught by Academicians with public spirit, and for nominal pay; but in order that too much may not be made of this point, I must be allowed to state that, small as is the pay in England, it is smaller still in France, where the best men in the country are willing to accept it, and to give instruction. I do not wish to see the pay so small for this Art teaching. At South Kensington they have a young and efficient man at a competent salary, and at the Slade School the same, and I think that this is the better plan. But that which is above all needed is central supervision. I do not wish to disparage the efforts which have been made under the direction of the Science and Art Department. There is nothing in the world finer than its Art collections. The Department has done much good in the circulation of Art objects in the Provinces. But its teaching in London is lacking in system, and in the country it is all but useless. The old position of the State in which it stood aloof from Art, in hostility or suspicion, is now forgotten. We vote large funds for Art each year, and we spend them

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through a Department which has other duties, and which is little known, while all the honour and glory of the protection of the Arts is given to a body which was established by the Crown to do certain work which it does not perform. Before a change is made I think that more information as to better systems is needed by us, and it is in that belief that I ask that information from foreign countries may be given. It is true that the Committee which sat upon the subject in 1836 took much evidence from abroad, but it is certain that since that date all the foreign systems have been changed.

As for the fourth, and last, head under which we have to consider the functions of the Academy—namely, as the representative of English Art, appearing as the official exponent of Art opinion before the Crown, before the public, and before the general body of artists, I also think that the best means at my disposal to show the difference which exists between that which is and that which ought to be, is to ask that our Secretaries of Legation in the European capitals should be instructed to report upon the higher Art administration of these countries.

I have clearly this much to justify me in moving in the matter; that a Royal Commission, of great authority, reported upon the Academy 13 years ago; that the Commission unanimously recommended the grant of a Royal Charter, with visitorial power given to the Crown; the widening of the basis of the Academy by a vast increase in the number of Associates; the curtailment of the privilege of each Academician to hang eight pictures as of right; the throwing open free of the Exhibition on one day a week. None of these recommendations of the Commission have been carried out. The Academy is still unpopular; it needs reform to strengthen its hold upon the general body of the artists and upon the public, and those of us who say this are not its enemies but its friends. The hon. Gentleman concluded by moving for the Address.

MR. DILLWYN seconded the Motion.

Motion made, and Question proposed,

“That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to cause to be laid before Par-

liament, a Copy of a late Report on the direction of the Fine Arts in France, made by M. Edouard Charton to the French Ministry of Public Instruction; and also praying that She will be graciously pleased to cause Her Representatives at the European Courts to report on the present attitude of the State towards the Fine Arts in the various Countries of Europe.”—(*Sir Charles W. Dilke.*)

MR. W. CARTWRIGHT said, he would not have risen to move an Amendment to the Resolution which had just been proposed, if that Resolution had been confined to addressing the Crown, in order to obtain information with respect to the state of Art and Art education generally in Europe—matters on which information would be of value and importance. The hon. Member's Resolution and speech amounted to a vote of censure upon the present administration of the Royal Academy. The hon. Member had cleverly combined allegations as to the past with inferences as to the present, and had dealt with the matter in a way to cause some misconception in the minds of those hon. Gentlemen who were not well acquainted with the constitution and management of the Academy. What they had to do with was the present. The hon. Member alleged that the Royal Academy was torpid—that it showed no interest in the promotion of high Art education; that it was penetrated and permeated by a narrow spirit of coterieism and cliquism, and that it was, in fact, an exclusive institution. At no time had the Royal Academy derived any grant of funds from the nation. What it did enjoy was an equivalent which was given by the nation for the acquisition, on the part of the nation, of the site given to the Royal Academy by the Sovereign in his private capacity. There was an impression in many quarters that the Royal Academy was essentially a public institution, dependent for its support upon the public funds; and he must say a few words as to the history of the Royal Academy in order to show that Parliament had no control over the institution. The Royal Academy was founded originally by 22 artists of distinction, who came to the conclusion that it was a right and proper thing for the promotion of the Arts of design that they should combine themselves into a society and have an annual exhibition of pictures as a means of profit. In the memorial they addressed to George III. they stated—“We apprehend that the

profits arising from the exhibition will answer the expenses." The King, therefore, in his private capacity, and not through his Minister or through Parliament, assigned to the Academy rooms in what was then his own palace; and taking an interest in the enterprize, promised that, in the event of the first year showing a deficit, he would supplement what was necessary out of his private purse. So close and personal was the relation between the Sovereign and the Academy that the King named the treasurer; because, as he had made himself liable for any deficiency, it was necessary he should have confidence in the financial management of the Academy. A document drawn up by Sir Joshua Reynolds, from which it appeared that the Academy occupied rooms as tenants at will in the King's palace, would be found embodied in a letter read in 1834 by Mr. Spring-Rice, when the removal of the Academy from Somerset House to Trafalgar Square was in question. When the nation desired to acquire the whole of Somerset House, the Academy, with the consent of the Crown, and under the presidency of Sir Martin Archer Shee, was transferred to Trafalgar Square, where it occupied a portion of the National Gallery, in return for the rooms at Somerset House, which it had given up for the nation. At a more recent date, the whole of the building in Trafalgar Square being required for the National Gallery, the nation came to another arrangement, whereby a site was found for it as an equivalent to that originally given to the Academy. So that the relation between the Crown and the Royal Academy was exactly the same as if the Sovereign, out of his Royal bounty and munificence, had founded or supported a charity or public institution. He denied, therefore, that Parliament had any right of control either over the management of the Academy or of the disposition of its funds, which were not the result of endowment, but simply the earnings of its own labours. There were two aspects in which the Royal Academy presented itself—the first, as a body holding an annual exhibition of works of Art; and the second, as a teaching body engaged in the instruction of the Arts of design. The hon. Baronet, with regard to the first point, had made very grave charges as to the manner in which the Royal Academy had discharged its functions,

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which, he said, manifested a spirit not only of exclusiveness, but of favouritism. He also alleged that the Academy looked mainly to the hanging of the works of its own members, rather than to the interests of Art generally. The Royal Academy had, however, no monopoly in this country, but had to enter into competition with other institutions; and if it had acted all along in the spirit of favouritism imputed to it, the popularity of the Academy would have been impaired, and it would never have attained so large a degree of success. He challenged his hon. Friend to say that any greater degree of satisfaction existed with regard to the *Paris Salons*. A number of distinguished artists declined last year to send their pictures to these *Salons*; and, although he would not say that this was conclusive as to the favouritism of that body, it at least showed how difficult it was to satisfy artists who sent their works for exhibition. He was rather astonished to hear his hon. Friend state that a Royal Academician had a right to hang eight pictures "on the line."

SIR CHARLES W. DILKE said, a Royal Academician had a right to hang eight pictures, as of right. He might have said "on the line" by mistake.

MR. W. CARTWRIGHT said, that a Royal Academician might send in eight pictures, but any artist who chose might do that; and if any privilege formerly existed of hanging eight pictures on the line, it was no longer recognized. It was solely owing to the Royal Academy that many water-colour painters were able to exhibit their works at all. There were two Water-Colour Societies, but in neither could any one not a member exhibit his works; and it was only through the Royal Academy devoting a room to water-colours, that those who were not members of the Water-Colour Societies had an opportunity of exhibiting their pictures. His hon. Friend had said that interference on the part of the Examining Body caused great disappointment and discouragement to artists; but the true cause of the disappointment was the annually increasing number of exhibitors. The very fact of such increase was a test which showed that no such exclusiveness and partiality as had been spoken of really existed. Again, it was said that the recommendation of the Royal Commission that the consti-

tuency of the Academy should be enlarged had not been given effect to, and that the resolution in reference to the increased number of Associates was passed after Notice had been given of his Motion. According to his recollection, the resolution was passed before the Notice was given. [Sir CHARLES W. DILKE: The Notice was given a month ago.] The resolution to increase the number of Associates by four, to be immediately elected, and before two years to increase the number to 30, was carried on the 15th of February last. But the alteration of the constitution of the Academy was much larger than his hon. Friend seemed to be aware of. Not only was the number of Associates now 26, and soon to be 30, but the Associates were now admitted to all the privileges, rights, and franchises of the Academy, with this exception—that they could not sit on the Executive Board or Council. But not one resolution of importance could be passed by the Council, and not an appointment could be made by them. Every matter of importance must be submitted to and be decided by the General Assembly, a body which consisted of Academicians and Associates; and the latter were eligible for all appointments with the exception of Keeper and Librarian; they could be visitors, and thus perform a most important function. The hon. Baronet had omitted to refer to several recommendations of the Royal Commission that had been adopted—at least, in their spirit—by the Academy. Formerly, when an Associate wished to stand for the honour of being a member he had to subscribe his name and go before the Academy in the character of a suppliant. Now, on the other hand, they were elected without being subject to the old rules. Then, again, steps had been taken to prevent stagnation in promotion by the offering of inducements to retire to such Academicians as, from age or infirmity, might consider themselves no longer fit for the active work of the Academy, and among those inducements was one by which the retiring Academician retained the privilege of exhibiting one picture each year. There was another very important recommendation made by the Royal Commission—namely, that there should be an infusion of members who were not professional artists. They were to be lay members. That recommendation had not been

carried out in form, but it had been in spirit, by the election of Honorary Academicians, six in number, men of high professional eminence in foreign countries, who, it was hoped, would exhibit the best types of foreign Art, which could not be without influence on the English School. In the face of those facts, could it be said that the Academy was insensible to what was necessary to put itself in accord with the spirit of the present day, or was indifferent to the recommendations made by the Royal Commission. His hon. Friend pointed to the importation of the element of Government control which dominated at South Kensington as the direction in which the reform of the Royal Academy should be undertaken, and said that the method and the manner in which the work at South Kensington was done should be the mode and type of how the work should be performed in the Royal Academy. There was a confusion of ideas in that analogy. South Kensington was a grammar school, and the Royal Academy was a University. To say that a University should be modelled upon that which was only sufficient and adequate for a grammar school would be the same sort of mistake as to say that Cambridge or Oxford should have no larger or higher professional staff than what would be adequate for the requirements of Eton and Harrow. His hon. Friend forgot to state that when the Report of the Royal Commission was made—and, indeed, the fact was alluded to in the Report—the Royal Academy was in want, owing to the conditions of its occupancy at Trafalgar Square, of those physical means and appliances which were necessary for carrying out a larger and more liberal system. The suggestion of the Royal Commission, that there should be a sufficiently-paid superior master, had been carried out. His hon. Friend had spoken rather slightly of gratuitous masters; but the fact was the functions of the Keeper had been enlarged, and he now received £600 a-year. Since the Academy had been located at Burlington House a school of preliminary painting had been instituted under the supervision and instruction of an experienced master; and, quite recently, a special class for drawing heads from living models had been added to the preliminary school. Above the preliminary school they came to those

masters of whom his hon. Friend had spoken so slightly. These higher schools were open for 10 months of the year, and there were artists of the greatest eminence—men whose time was really money in a very large sense of the word—practically gratuitously devoting themselves to the instruction of pupils in those schools. Besides this system of instruction there were Professors and lecturers, and some of the lectures, especially those on anatomy, were attended by larger audiences than the rooms in the new building would accommodate. An arrangement had recently been made whereby ladies were admitted to the drawing classes, and also instructed in anatomy. There was a remarkable recommendation made before the Royal Commission by a gentleman who was well-known to many Members of that House, Dr. Percy, to the effect that the properties of pigments and the materials which entered into the manufacture of Art should be studied and applied; and, acting on that recommendation, a Professor of chemistry had been appointed. He would say a few words as to the curriculum required of the pupils who went to the Royal Academy. No person was admitted without a test examination; and, having passed that, he was not admitted to the full rights of a student, but was put into matriculation for three months, in order to ascertain that his test examination was *bond fide*. It was only then that he was admitted to studentship, and that for a period of seven years, with all the privileges of the schools, lectures, and the free run of the library, which had been enlarged with great judgment and skill since the appointment of the present librarian, and was now a valuable part of the Royal Academy. Without going into further details, he thought it would be admitted, from what he had said, that the picture which his hon. Friend had drawn was not quite to the life. He (Mr. Cartwright) was not enamoured of the Royal Academy; but it had the merit of being the least academic and pedantic of all academies. A complaint was made that many distinguished men had been unable to obtain admission within its walls; but no one who looked down its lists of members carefully could fail to perceive that they were a most Catholic body, comprising men of every variety of artistic mind, re-

presenting very different currents of thought and style. For his part, he should be very sorry to see the system of self-administration which had made the Academy what it was superseded by the irresponsibility, and perhaps capricious directions of a Government Minister: and he therefore moved as an Amendment—

“That, in the opinion of this House, there is no ground for imputing to the Royal Academy neglect in adopting reforms with the view to promote the active development of higher Art education in England.”

MR. BAILLIE COCHRANE, in seconding the Amendment, observed that the hon. Baronet was always attacking some body. At one time it was municipal corporations, and now it was a body which was not incorporated at all. Because certain recommendations were made by a Commission, that was no reason why the Royal Academy should carry them out. What was the constitution of the Royal Academy? It succeeded the Incorporated Society of Artists, which had grown so large as to be perfectly unmanageable, and was practically founded by George III. in 1768, who, as a free gift, granted it apartments in Somerset House. In 1771 the same King insisted, when Somerset House was in part rebuilt, that apartments should be set aside for the Academy. In 1834 Lord Grey, when the rooms in Somerset House were required by the Government, found rooms for the Academy in the National Gallery, and subsequently, when the National Gallery was taken possession of by the Government of Lord Russell, rooms were found for the Academy in Burlington House. During all that time it had been understood that in granting those apartments there would be no right of interference with the Academy. The present Prime Minister, when in office some 20 years ago, offered the Royal Academy not only the site of Burlington House, but a Vote of public money towards the new building. He (Mr. Baillie Cochrane) believed, however, that the Royal Academy refused the money, because they wished to preserve their entire independence. The site which was given, instead of the apartments they formerly held in the National Gallery, afforded no pretence whatever for interfering with the Royal Academy. The hon. Baronet suggested how little the Royal Academy had done

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for Art; but the best answer that could be given to such a suggestion would be the names of a few of the great men who had been Royal Academicians. To say nothing of the present generation of artists, such names as Smirke, Stothard, Lawrence, Reynolds, Flaxman, Turner, Callcott, Wilkie, Mulready, West, Westmacott, Stanfield, Maclise, Foley, Philips, and Landseer were a complete answer to the allegation of the hon. Baronet. It was said the number of Royal Academicians was only 42; but in the French Academy the number was only 15; in Munich, 15; in Belgium, 19; in Rome, 36. The Associates had been increased from 20 to 30, who would all have votes; so that, with 42 Royal Academicians, the constituency would now be 72. The taste for Art had greatly increased in this country. As a proof of it, the fact might be mentioned that this year no fewer than 5,000 pictures had been sent in for exhibition, as against some 1,500 a few years ago; and for this advance in Art and the growing taste for Art the country was greatly indebted to the admirable conduct, the zeal, and the generosity of the Royal Academy. He maintained that they had no more right to interfere with the management of the Royal Academy than with any other body of gentlemen in the country. Certainly, the hon. Baronet had made out no case whatever for any such interference, therefore he hoped that the House would agree to the Amendment of the hon. Member for Oxfordshire.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House there is no ground for imputing to the Royal Academy neglect in adopting reforms with the view to promote the active development of higher Art education in England,"—(*Mr. William Cartwright*,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. COWPER-TEMPLE, referring to the Parliamentary document before them, was bound to say it appeared clear that the Royal Academy had behaved with that strict honour and integrity which one would desire to see in a body composed of gentlemen distinguished in Art. They had adhered strictly to the

terms on which they received the grant of the site at Burlington House. The changes in the constitution of the Academy referred to by Sir Francis Grant in his letter of 1866 had been carried into effect. Though as a corporation created by the Crown, entrusted with the duty of developing and exhibiting the productions of painting and sculpture, it was a public body, yet in regard to its financial independence it was a private society. If the hon. Baronet wished the House to exercise a control over it, he would not find the Royal Academy on any page of the Estimates; and, as no public money was granted to it, there would be no opportunity for the House to direct or control any of its operations. The view of the Government of 1866 was that any suggestion which might be made for the public advantage and for the public objects for which the Academy was originally formed should be pressed on their attention. It was on account of the Royal Academy being a corporation for public purposes that the rooms in Somerset House were given to them on the first formation of the Academy; so, too, when their rooms in Somerset House were required for public offices, and the Academy was transferred to the National Gallery; and, again, when the national pictures increased so much that the space occupied by the Academy was required, it was on the same ground—the public purposes for which it was formed—that the offer was made to them of the site of Burlington House. Therefore, when the Government had to consider the propriety of granting this very valuable site in a convenient position, they had the advantage of the Report of the Commission which had been moved for by his noble Friend opposite (Lord Elcho). That Commission made several recommendations which did not appear of much public importance, and were not insisted upon. For instance, the recommendation that the number of pictures which might be hung by an Academician should be reduced from eight to four might affect the interest of the exhibition, but not the progress of Art in the nation. But the usefulness of the Academy might be promoted by an increase of the constituency, and by conferring on the Associates equal power of voting with the Academicians. This voting power had been obtained for the

Associates, and the recommendation as to the widening of the constituency had been conceded, the number of Associates being increased to 30; so that, with the Royal Academicians, the constituency would be now 72. He did not agree in the suggestion for a closer combination between the School of South Kensington and the Royal Academy; but the teaching of the Academy should be to the other drawing schools what the Universities were to the classical schools of the country.

MR. BERESFORD HOPE said, he thought that the subject had been brought before the House in a very awkward shape on both sides. The hon. Baronet the Member for Chelsea (Sir Charles Dilke) had called upon it to sit in judgment upon a body over which he had not shown that it had any equitable jurisdiction, while the form of the Amendment precluded the House from obtaining important Papers, the production of which was the ostensible object of the Motion. He admitted that the hon. Baronet the Member for Chelsea seemed to have digested very well the Report of the Royal Commission; but his acquaintance with the history stopped at that point, and he had strangely failed to see to what extent the recommendations contained in that Report had been carried into effect. The speech of his right hon. Friend the Member for South Hants had shown that upon almost all points the Academy had either already complied or was now on the high road to comply with them in the letter or the spirit, with the one exception of not having sought the society of that body of learned amateurs whose influence in this country marked the age. He thought it would have been wiser in them to have brought in from the outside world a few such men as Lord Elcho, Mr. Ruskin, and Lord Overstone, under regulations and with limits as to numbers sufficient to obviate the risk of their swamping the Artists. The hon. Baronet's Resolution as it stood was one simply for Papers, and those Papers would, no doubt, be found to be very valuable; but the speech which precluded the Motion was one of censure, so hon. Members were placed in a dilemma of appearing to wish to condemn the Royal Academy in order to get the Papers, or in vindicating the Academy, of losing the chance of obtaining those

valuable documents. If it came to a division he would vote for the Amendment; but he considered that both the Resolutions before the House ought to be withdrawn, and the Government would then, he hoped, consent to give the Papers as an unopposed Return. Having said so much, he must turn to his own grievance, and point out in what respects the debate, so far as it had gone, was defective. He did not hesitate to say that any stranger who had listened to the discussion from first to last would go away supposing that the House was dealing with an Academy for the promotion of painting alone, of one which had studied nothing but painting, and exhibited nothing but painting. The hon. Baronet was as guilty as any speaker in this respect. He had himself always protested against this theory, and he must remind the House that the Academy, whether it had always been in practice sufficiently mindful of the catholicity of Art, was, in name at all events, the Academy not of painting, but of Art—of sculpture and architecture as well as painting. While it was, in all its branches, on one hand the blue ribbon of the successful man, and on the other the corporation charged with the responsibilities of teaching and judging. The Art with which he was himself particularly identified—architecture—differed from the others in being not only an art, but also a craft, and as the Academy could only deal with it in its first phase, so the necessities of this double character had led to the foundation of the Institute of Architects which took cognizance of architecture in all its aspects. But the establishment of that Institute was no reason why the Academy should shuffle off that branch of its work; on the contrary, all who were deeply interested in it felt that the most fatal thing for architecture would be for the business element to strangle the artistic. Perhaps the direct aid which the Academy could give to Architecture might seem slight, but its effect in correcting materialistic influences was not so unimportant. Besides some teaching upon the artistic principles of that art, it provided what the other society could not do—namely, an exhibition. An architectural exhibition was not so easy a matter as one of pictures and sculpture. There the things themselves were shown, but here only the repre-

sentations of buildings existing elsewhere, and he had rather unwillingly come to the conviction that an architectural exhibition must hang on the skirts of one of the other Arts. Even then, the number of persons who studied it would be few in comparison with the frequenters of the remaining galleries. This consideration showed how little hope there could be of a purely architectural exhibition standing alone. It also proved, he must add, how great the obligation was upon the Academy not to neglect its duty of providing for the need. He must, however, go further and repeat a suggestion which he had offered when he was examined before the Commission, and to which that body had favourably referred in its Report. We had in our days grasped, as it had not been done for generations, that Art was not merely the elaboration of certain exceptional processes but that it ought to pervade every process of civilized life. The Art workman, or rather the working artist, had asserted this existence and was every day more surely making his position good. We were at last realizing that there was art in pottery, art in glass painting, art in metal work, art in enameling, art in the carving of wood and stone, art in wall decoration and in the patterns of woven tissues, art in furniture. The Academy was taking steps to enlarge its Associationship. Why, therefore, could it not, as he suggested to the Commission, make special Associates out of the proficient in these subsidiary Arts, as it had of old encouraged the engravers. He thought the Academy might and ought to come forward to meet the movement for the development of Art in all branches of domestic and civilized life which had been making such great progress in this country. Why should it not have its Associate in mural decoration, its Associate in glass painting, its Associate in metal chasing? As one who wished to see the title of artist not restricted to be the exclusive privilege of the producers in a few branches, and the enjoyment of Art not reserved as the exclusive luxury of the rich, but recognized, honoured, and enjoyed as the life-breath of a Christian and civilized nation, he thought it was the duty of the Academy to pronounce that all Art in its various types and phases was worthy of the highest encouragement, and therefore to make it-

self the fosterer and developer of those subsidiary arts, as well as of the three great schools of Sculpture, Painting, and Architecture.

MR. GLADSTONE: I quite agree with my hon. Friend who has just sat down that, whatever be the efforts, and whatever the successes of the Royal Academy, in the discharge of its important duties, there will always be ample room for the further development of those efforts. The work of Art, as my hon. Friend has shown, is a very wide work, involving very much more, perhaps, than the general public suppose; but I think the question we now have to consider is not so much whether there is a broad and extensive perspective which the Academy may contemplate for the work of future generations, but whether a case is brought before Parliament which calls upon us at this moment to interfere by passing the Motion of my hon. Friend (Sir Charles Dilke), with something in the nature of an implied censure upon the Academy. My hon. Friend who last spoke says, and the House will agree, that we are placed in a difficulty with respect to the nature of the Motion, and I think we are in the same difficulty with respect to the Amendment. My hon. Friend (Sir Charles Dilke), who brought forward his Motion, as was to be expected, with great ability, has placed on his Notice a distinct charge against the Royal Academy that it has failed to carry into effect the reforms unanimously recommended by the Royal Commission. But this charge, which appeared in full view in the Notice of my hon. Friend, is not embodied in his Motion. Now, there is some inconvenience in this method of proceeding. If a public body is to be censured by a Motion in this House, well and good; but let us know that upon which we are about to vote. But it tends to prejudice the position of the House, and of others outside the House, if a Notice of Motion is given involving distinct terms of censure, while the Motion itself when proposed does not involve censure, because it remains a matter of dispute and ambiguity whether the House has intended to cast reflections upon that body or not. I am sure my hon. Friend would be the last man to wish to avoid raising the issue directly. Still we are placed in a difficulty, and my hon. Friend (Mr. Cart-

wright), by his Amendment, has called upon us to say that there is no ground for imputing to the Royal Academy neglect in adopting reforms with a view to promote the active development of Art. My hon. Friend, therefore, calls upon us to pronounce a positive judgment as to the imputation upon the Royal Academy, and my hon. Friend has been obliged to do this, although he commenced his speech with an argument to show that we had no jurisdiction in the matter at all. If we have no jurisdiction in the matter it is quite plain that there is a certain amount of incongruity in passing judgment upon the merits, even though it be a favourable judgment. Now, I hope that my hon. Friend (Sir Charles Dilke) will be disposed not to press his Motion to a division, but will allow his request for Papers to stand upon its own merits, and to be dealt with as a Motion for Papers simply, without any implied or ambiguous question of the merits of the procedure of the Royal Academy. Then, I have no doubt we should be relieved from the Amendment, and I think our position would be a much better one. The grounds on which I come to this conclusion are these—I am not able to agree with those who maintain that this is a case in which the House is entirely without jurisdiction. It seems to me that it is not necessary to enter—though I should be prepared to enter were there occasion—into the history of the precise relations as to property—the proprietary relations—between the Royal Academy and the Government. What I should rather stand upon is this—that the Royal Academy has from time to time been in former years—certainly for 20 years—a subject of discussion in this House; that Committees and Commissions have investigated its affairs; that recommendations have been offered under those authorities for the consideration of the Academy; that these recommendations have been the subject of regular negotiations between the Executive Government and the Academy; and that when all this has occurred, and a very noble gift of a most valuable and costly site has been made to the Academy in connection with those recommendations, it is too late to say—and I greatly doubt whether the Academicians themselves would thank us for saying—that Parliament has no jurisdiction in the matter.

Mr. Gladstone

But, on the other hand, I cannot help feeling that interference by Parliament with bodies of this kind is attended with great inconvenience, and ought not to be resorted to except upon a very strong and clear case of necessity being shown. We claim a right to interfere with the Universities, and we have interfered with them; but if, by Motions in this House, we were to point out precisely what specifications as to lectures, or even as to endowments, were to be laid down for the guidance of Tutors and Professors, there would be very serious risk of our aggravating whatever evils we were endeavouring to reform. In the same way it would be very unwise for this House to interfere with the Academy, except on the very broad grounds of its failing to fulfil implied engagements, or of a gross departure from its duties in respect to the promotion of Art. Now, are there any broad grounds of that kind at all? My hon. Friend has found fault with the Academy because they have failed to carry into effect the unanimous recommendations of a Royal Commission. Well, I hope this House will never have Votes of Censure passed upon it, because there have been unanimous recommendations of Royal Commissions which this House has entirely failed to carry out. I apprehend that even the unanimous recommendations of a Royal Commission are not final authorities, that they are not binding decisions, but that they are only important propositions raising a presumption that they deserve a great deal of consideration. But in this particular instance the recommendations of the Commission were subjected to the further ordeal of negotiation and scrutiny between the Government of the day and the Royal Academy, the result being that a considerable proportion of those recommendations was agreed upon by those two bodies as the basis of the proceedings of the Academy. We have learned in detail from the Gentlemen who have spoken in this debate, and especially from the statement made by my right hon. Friend the Member for South Hampshire (Mr. Cowper-Temple), who then acted on behalf of the Government, what the proceedings of the Academy have been. I hardly think my hon. Friend the Member for Chelsea can now be of opinion that there is sufficient breadth of ground on which to urge

upon the House the adoption of a Motion which is ever so slightly or ever so inferentially connected with a vote of censure on this body. For my own part, I may say, in passing, I have no doubt that improvements may be made in the constitution and the proceedings of the Academy; but whatever room there may be for criticism exists not through the fault of the Academy itself, nor through any illiberality of spirit in its members—for I must say that I know no profession the heads of which are animated by a more diffusive liberality towards the other members of it—but because the nature of the case is extremely difficult, and because you have to depend on voluntary means and upon measures which are always open to the action of public opinion and criticism among a class of persons who are necessarily and by their profession full of the highest and most refined sensibilities, but therefore likewise of such feelings as are peculiarly liable to be wounded by imaginary slights. The task is an extremely difficult one, and the very best efforts of the very best and ablest men can only approximate to a satisfactory fulfilment of it. But we are now trying them, not by an ideal standard, but by certain arrangements recommended to them by the Royal Commission. My right hon. Friend has shown that those arrangements, as they were agreed upon by the Government of Lord Palmerston, have been faithfully and honourably executed, and he has shown that there are not many points on which matter for debate can arise. Lay members of the Academy have not been added to the body as professional Academicians, and my hon. Friend the Member for the University of Cambridge (Mr. Beresford Hope), who has given an honourable testimony to the Academy in general, regrets that they did not adopt that recommendation. He says it would have been wise for them to have made for themselves friends among the patrons and non-professional students of Art. Certainly; but is my hon. Friend quite sure that they would not have made a great many more enemies than friends? The body of non-professional students and lovers of Art are a body not at all easy to agree with. A great many gentlemen consider themselves entitled to bear that designation although the world generally is not quite sure of their

claims to it. If there be a great number of persons claiming to belong to that class, and who are qualified in their own estimation, the Academy might, by electing five or six of them, make five or six friends, but I am by no means certain that at the same time they would not make 50 or 60 enemies, whose enmity would probably be more active than the friendship of their friends. I have great respect for the recommendation of the Commission, but I cannot deny that that recommendation was not in the letter complied with, although a disposition to enter into the spirit of it certainly has been shown. With regard to the question of hanging the pictures, I cherish the hope that some further progress will be made. The list is not so great as would have been gathered from the speech—the exclusive privilege is not so marked as would have been gathered from some of the expressions used by my hon. Friend. I am by no means convinced it is desirable that it should be wholly abolished, but that it should be confined within narrow bounds I have no doubt whatever. My hon. Friend would probably say that the main question is the question of the constituencies. With regard to that I can quite understand that the difference between a limited constituency of 70, 80, 90, or 60 Academicians and Associates, and an election by the entire body of the profession is a very broad difference of principle, and it is a difference on which I can easily conceive my hon. Friend would be likely to ask for or to challenge the judgment of this House. That, however, is not the question raised by my hon. Friend. It is only a question whether the constituency of 72 is to be a constituency of 20 or 30 more members. I hardly think any one would be disposed to maintain that a question of that kind is one which can properly call upon us to interfere in the concerns of the Academy, or that therefore it can warrant the pressing of my hon. Friend's Motion to a division. For my own part, having long been in the habit of personal communication with many members of the Academy, I believe that the Academy will hail with welcome suggestions from whatever quarter they proceed, especially when they come from the benches of this House, and necessarily carrying with them considerable authority in regard to the improvement

of that institution. But I confess I do believe that on the whole, although it is quite impossible for them to avoid those jealousies and causes of offence which are almost inherent in the nature of their functions, no body of men have laboured more zealously, more honestly, or more ably in the discharge of a public duty. It would be a great pity if this House were to take a step which would be even capable of having the construction put upon it of a vote of censure, until we are well persuaded that there is ground for such a proceeding; and I would even appeal to the speech of my hon. Friend himself and to the statement of facts by my right hon. Friend the Member for South Hampshire, to say that, whether the Academy be right or wrong in regard to the precise amount of change they have made in one or two of these recommendations, there is no real ground whatever which can make the slightest case to warrant the interposition of the House.

LORD ELCHO said, that as the Royal Commission of 1863 was appointed on his Motion, and as he himself served on that Commission, he wished to make a few remarks on the subject under discussion. He was glad his hon. Friend the Member for the University of Cambridge (Mr. Beresford Hope) had called attention to the fact that this was not merely a painter's question. The Royal Academy was not merely an academy of painting, but of sculpture and architecture also, and the Royal Commission recommended, amongst other things, that there should be two Vice Presidents appointed with the view of having both sculpture and painting represented. They had also recommended, what he thought would have been of great advantage—namely, that there should be some recognition of Art workmen, to whose skill we were so much indebted. With regard to the speech of the hon. Baronet opposite, he thought the cheers with which it was greeted showed that the House believed he intended, as he had said, to treat this matter “in a fair and not in a vexatious spirit.” He had listened with great interest to his speech as he himself had been anonymously invited to make last Session a similar speech, and he had also received a pamphlet which no doubt his hon. Friend had likewise seen. He thought the Academy did not deserve the cen-

sure which his hon. Friend asked the House to pass upon it. No doubt the Academy had not followed all the recommendations of the Commission, but this was a fault which, as pointed out by the right hon. Gentleman the Member for Greenwich, attached to legislation in general. On the other hand, the House had heard from his right hon. Friend the Member for South Hampshire (Mr. Cowper-Temple) that when he had to negotiate with the Academy he picked out those parts of the Report which he judged to be most essential and important. The Academy accepted those parts and honourably fulfilled the conditions. He thought his right hon. Friend might have gone further, for that was the time for obtaining the assent of the Royal Academy to reform. The right hon. Gentleman opposite (Mr. Gladstone) dissented from the recommendation to add lay members. He himself was strongly in favour of making that addition. Those who approved that view were not influenced, as had been suggested, by the idea that the Academy might thus make friends out of the Mammon of unrighteousness, in the shape of patronage. But they wished to see the Academy built on a wider basis, and to form in it a body from which great assistance might be obtained by Government as a council of advice in forming an opinion as to public buildings and other works, and which should also be a security to the outside artists. It would be a security to the outside artist by guaranteeing, through there being non-professional men on the Committee of Selection, that there would be no favouritism or cliquism with regard to the reception and the hanging of their works. These were the reasons why the Royal Commission recommended the addition of 10 lay members. There were several matters in which there was room for improvement, and which should be considered by the Academy in spite of the bettered condition of things. For instance, with regard to the number of pictures which Academicians could hang. Every Academician was entitled to send in eight pictures, but no artist who was not an Academician was certain that his eight pictures would be received, and that four would be suspended on the line. Practically an Academician would have the eight suspended on the line,

Mr. Gladstone

for, as an artist had said to him—
 “I would like to see the man who would
 sky the pictures of an old Academician.”
 In Paris an artist, no matter how distinguished, had no right to exhibit more than two pictures, and he thought it would be desirable to reduce the number which Academicians were now entitled to exhibit. The objection against doing so came, it was said, mainly from the portrait painters, because there were persons who got themselves or their wives or daughters painted, and would not do so unless on the assurance that their portraits would be exhibited in the Academy. No doubt in [passing judgment on some 6,000 pictures injustice must necessarily occur, even with the utmost care. It could not be otherwise, and he said so from the experience he had had in the selection of pictures for the International Art Exhibitions at South Kensington, where they had not the dread of the lay element which the Royal Academy felt. At the same time, he might remark that the Royal Academicians did not appear to entertain the same distrust of lay taste and judgment when laymen gave £2,000 for their portraits, or £10,000 for a picture; but he would like to give an assurance to the artist outside the Academy that he would have something approaching the nature of a jury to decide on his pictures. He had alluded to the improvements which had been made in the Academy; the main improvement was in the school. He did not think full justice had been done to the Academy. They had no grant of money from the State, and yet they spent £5,000 a-year upon their schools in teaching the higher branches of Art. The Kensington schools were no doubt admirable; but the Academy was working before them. The House, therefore, ought to feel grateful to a body which spent £5,000 a-year on the highest Art instruction to be had in the country. As to the question of dealing with the Royal Academy the right hon. Gentleman the Member for Greenwich had spoken as if this House had complete control over it. His right hon. Friend who had spoken last did not speak so distinctly on that point. But how was the House to deal with the Academy? They could not take its money, they could not get at its funds. Suppose the Academy said—“We won’t move on,” he doubted very much whe-

ther Parliament could make them. At all events, when this question was before the Government in the negotiations which had been referred to, the First Commissioner, writing on the 18th of November, 1865, said it was very far from his wish to establish a precedent for any future interference on the part of the Crown or Parliament—“I desire,” said he, “that any change which is now made should be by the willing and independent action of the Academy.” And the Academy, in reply, referred to that view with satisfaction, and objected to the site being considered in any way as a gratuitous gift, and to the idea that they had in any way forfeited their independence. His hon. Friend (Sir Charles Dilke) had referred to the opinion of Sir Robert Collier, then Attorney General, now a learned Judge, and a very accomplished artist. But the opinion given was that the body existed under what was called an instrument which defined its constitution, but did not give the public outside any power over it, but only the members of the body the power of requiring the Academy to satisfy the conditions of their instrument. He therefore thought that the House would find more difficulty in dealing with a living Academy than with the defunct “pious founder.” With respect to the Motion before the House, he thought that it would do a considerable amount of good, for the reason that all corporations were better for being stirred up. A speech such as that the hon. Baronet had delivered must be productive of benefit, clear and temperate as it was, and stating as it did the views of the outsiders. It would have still greater effect if what fell from the hon. Baronet in the early part of his observations attracted the notice of the Government. He referred to that part of the hon. Baronet’s speech where he said that what was wanting in this country was some great central authority to deal with Art. This, no doubt, was one of the greatest needs, and they might hope that under the reign of the present Prime Minister it would be secured, seeing that the right hon. Gentleman took the greatest interest in the subject, and that his noble Friend who held the office of First Commissioner of Works (Lord Henry Lennox), in his first speech which attracted attention in the House, had advocated the appointment of a responsible Mi-

nister to superintend all our Art Institutions.

MR. NEVILLE-GRENVILLE said, he quite agreed with the noble Lord that all corporations were the better for being stirred up, and that certainly held good in the case of a large body like the Royal Academy, who gave the public a large amount of intellectual enjoyment and received in return a very large amount of money for doing so. The hon. Baronet opposite (Sir Charles Dilke) had drawn attention to the shortcomings of the Academy as compared with the Museum at South Kensington. In one small but important respect he thought the Academy might take a leaf out of the book of the Museum. The examination and enjoyment of the pictures at the Museum were greatly facilitated by the addition of the names of the artists below the pictures. If the Academy would do the same, it would prevent the visitors from getting so tired as they did, and enable them to pass through the rooms and galleries more quickly and with greater satisfaction. There was a practice growing up year after year of the best pictures not being sent in to the Academy, and in illustration of this he would refer to Mr. Holman Hunt, M. Gustave Doré, and Miss Thompson, who did not send their pictures in to the Academy.

LORD JOHN MANNERS said, the House would agree with him that everything that could be said on the past or present management of the Academy had been said most incisively by the hon. Baronet (Sir Charles Dilke), and that the defence had been well sustained. Without going into the abstract question of the right of the Government to interfere in the internal affairs of a great and independent organization such as the Royal Academy, he could not conceive anything more inconvenient than such interference. In 1866 his Predecessor in the Office of Works was most guarded, and the tone adopted he most cordially concurred in. The hon. Baronet mentioned that the negotiations to which he referred did not form part of the Parliamentary Papers; he was surprised to hear that statement; but if it were correct, he was sure his noble Friend the First Commissioner of Works would be happy to produce them. That being the view he ventured to take, and the House having clearly

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expressed its opinion that the charges brought by the hon. Baronet against the present management of the Academy were not really or substantially founded, the Motion for Papers was open to the objection raised by the right hon. Gentleman the Member for Greenwich (Mr. Gladstone). The Government could not grant the Papers prefaced by such terms, and he could not consent to imply agreement in those terms. He had the same objection to the Amendment; it was not their duty to enter into the internal arrangements of the Academy with either a favourable or an unfavourable expression of opinion. On a subsequent occasion the hon. Baronet might move for Papers. He would place before the House the view which Lord Derby's Government took of the conduct of the Royal Academy when the present site was granted to that body. On the 21st of August, 1866, he wrote as follows on behalf of the Government—

“The Government have noticed with satisfaction the improvement in the constitution of the Royal Academy contained in your letter of the 28th of March last, and in making known to you, as President of the Royal Academy, their present decision, I have pleasure in believing that it is calculated to enlarge the Academy's sphere of usefulness and enable it to pursue with increased vigour and success the admirable objects for which it was originally established.”

He had reason to believe that those proposals had been substantially, literally, and satisfactorily carried into effect. He would suggest to the hon. Baronet that it would, under the circumstances, be best to withdraw the Motion, and also to the hon. Member who moved the Amendment that it too should be withdrawn, so that the House might not be committed in any way.

SIR CHARLES W. DILKE, in reply, remarked that although it was said that the 10 suggestions contained in the letter of March, 1866, had been carried into effect, some of them had been only formally adopted and not practically carried out. He would not attempt to repeat the statements contained in his speech, but would simply state that he adhered to what he had said in his opening remarks.

Amendment and Motion, by leave, withdrawn.

METROPOLIS GAS COMPANIES' BILL.

(Sir James Hogg, Sir Andrew Lusk, Mr. Goldney.)

[BILL 28.] SECOND READING.

Order for Second Reading read.

SIR JAMES HOGG: Mr. Speaker, I beg to move that this Bill be now read a second time. I do not propose to occupy the attention of the House by entering into any lengthened details. The Bill is substantially the same as that introduced last year and referred to a Select Committee, which was presided over by the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster). The provisions of the Bill brought in last year were applied to two Companies—the Commercial and the Ratcliffe—and the main provisions of the present Bill have been agreed to by the Gas Light and Coke Company, the Imperial, and the Independent Company, which have become incorporated into one Company by a scheme of amalgamation, and the clauses suggested by the Select Committee last year and considered by that Committee to be favourable to the consumers, together with the clauses subsequently introduced, providing that issues of fresh capital shall be put up to public auction, have been inserted in a Bill promoted by the amalgamated Company, and approved by the Board of Trade and the Corporation of London and the Metropolitan Board, which Bill has been referred to a Committee. The object of the present Bill is to secure uniformity of legislation, and, as was done last Session, I propose to take the second reading and then to refer the Bill to a Select Committee. I believe the House will consider that uniformity of legislation is desirable, and therefore it is not necessary that I should trouble the House by reading any extracts on the subject. I may, however, mention that the great principles of the Bill are these—that the price charged shall be regulated by the dividend; that the initial price shall be 3s. 9d. per 1,000 cubic feet; that the illuminating power shall be 16 candles; and that the dividend shall decrease or increase at the rate of 5s. for every 1d. of increase or decrease in the price. The Corporation and the Metropolitan Board of Works consider that the adoption of these principles will tend to produce economy. I beg now to move the second

reading of the Bill, and I regret that the Rules of the House render it necessary that the Bill should be referred to a Select Committee.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir James Hogg*.)

Motion agreed to.

Bill read a second time.

SIR JAMES HOGG: I now beg to move that the Bill be referred to a Select Committee.

Motion agreed to.

Bill committed to a Select Committee.

COUNTY RATES (IRELAND) BILL.

(Mr. Butt, Mr. Downing, Mr. Richard Smyth.)

[BILL 138.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Meldon*.)

Mr. W. H. SMITH said, as the hon. Member had not explained the nature of the measure he should move the Adjournment of the Debate.

Motion made, and Question proposed, "That the debate be now adjourned."—(*Mr. W. H. Smith*.)

MR. MELDON said, the discussion might be taken in Committee, which was the course the Government usually adopted in dealing with their Bills.

SIR MICHAEL HICKS-BEACH said, no one expected this Bill to come on, and he knew nothing of its provisions. He therefore hoped the Motion for Adjournment would be agreed to.

Motion agreed to.

Debate adjourned till Monday next.

ADMIRALTY JURISDICTION (IRELAND)
[SALARIES].

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the payment, out of the Consolidated Fund, or out of moneys to be provided by Parliament, of any additional Salaries to Recorders whose duties may be increased, and, out of moneys to be provided by Parliament, of Salaries granted

in lieu of Fees to Officers, under any Act of the present Session relating to Admiralty Jurisdiction in Ireland.

Resolution to be reported *To-morrow*.

House adjourned at a quarter
after Eight o'clock.

HOUSE OF COMMONS,

Wednesday, 10th May, 1876.

MINUTES.] — PUBLIC BILLS — *Ordered—First Reading* — Local Government Provisional Orders, Bristol, &c. (No. 6) * [147].

Second Reading — Barristers and Advocates Fees [18], *put off*.

Committee—Report—Industrial and Provident Societies (re-comm.) * [139].

BARRISTERS AND ADVOCATES FEES BILL—[BILL 18.]

(*Mr. Norwood, Mr. Leeman, Mr. Charles Lewis,
Mr. Sampson Lloyd, Mr. Anderson.*)

SECOND READING.

Order for Second Reading read.

MR. NORWOOD, in moving that the Bill be now read the second time, said, it would be in the recollection of the House that last Session he gave Notice of his intention to endeavour to insert in the Judicature Act Amendment Bill a clause which would give to barristers-at-law and advocates the legal right to sue for their fees, and, as a natural corollary make them liable to their clients for the due and proper discharge of the functions which they undertook to discharge by either receiving a fee or the promise of a fee. The state of business was such that when he was able to bring forward his clause, only a week or ten days remained of the Session; and although the proposal met with considerable approval, yet it was pointed out by several hon. Gentlemen, and by the then Attorney General in particular, that it was impossible to discuss so large and important a question adequately under such circumstances. As his desire was not to prejudice hon. and learned Gentlemen, or the noble Profession to which they belonged, but to obtain full and complete discussion, he complied with the request made to him, and withdrew the clause. In doing so, he expressed a hope that the Bar, and the Judges at the head

of the Profession, would, during the Recess, take the matter into their own hands, and by framing regulations of their own, meet the evil of which the public complained. He added, however, that if that were not done, he should raise the discussion again, and in fulfilment of that pledge he had introduced the Bill which he would now proceed to explain. The Profession of a barrister-at-law and advocate was placed on a footing which differed from that of any other Profession in this country. Members of the Bar assumed this anomalous position: that the fee given to them, or the reward which they received for the services they were requested to perform for their client, was not to be considered in any respect an ordinary remuneration, but as a kind of complimentary gratuity, or "honorarium," the payment of which they were not able to enforce by any legal proceeding, but which, on the other hand, did not involve any responsibility or liability whatever for the faithful discharge of the services they undertook to perform. He knew of no Profession in this country which was in a similar position, not even that of the physician, as his hon. Friend the Member for Londonderry (Mr. C. Lewis), clearly showed in the debate of last year. It was easy to conceive the natural result of this absence of all responsibility and liability at law on the part of the Profession. There were certain of its members—even in the highest position—who notoriously accepted fees in respect to briefs and business which they knew they could not properly attend to, and the result was that clients who had obtained, as they fancied, the services of a barrister of large experience and eminent ability, frequently found the moment those services were required—when their property, reputation, and it might be their life, was at stake—that the gentleman they had retained was "conspicuous by his absence," and that they were subjected to an amount of injury and mischief, which it was almost impossible to estimate. In making this statement he wished at once to exempt from it one large portion of the Bar of England. He had no fault in this respect to find with the Chancery Bar. It might be said that they were in a more favourable position than the Common Law Bar, and he was ready to admit it; for at the

Chancery Bar there was a wholesome practice, that when a man "took silk" he attached himself to one particular Court and did not leave it without a special fee. He, therefore, exempted the Chancery Bar from the strictures which he was about to make, and the great bulk of the Common Law Bar; indeed the practices against which he protested were, in point of fact, confined to a comparatively small number of the profession. Since he first introduced the question, he had received communications from various quarters and persons, and he was surprised at the extent of interest which appeared to be taken in the subject. He had not met with one solicitor who had not admitted that within his own knowledge, and in his own practice, instances had occurred of the objectionable conduct to which he adverted. In addition to solicitors, he had also letters from clients who were smarting under what they considered to be a serious grievance. He had also communications from the Bar. He was delighted, not long ago, to receive a communication, among others, from a Queen's Counsel in a high position; that he fully approved of and sympathized with the object of the Bill, although he objected to certain of its details. The evil of which he (Mr. Norwood) complained was this — Counsel, although they received very large fees, often did not attend in Court when their client's case came on, or if they did, gave only a partial attendance, and performed their duty in a very unsatisfactory manner. But he complained, even more than all, of the custom which prevailed in the Common Law Bar of counsel, without consulting their clients or the solicitors who instructed them, handing over their briefs to a learned brother of very inferior position and status and who was often unacquainted with the special matters involved in the case. A man having a mercantile case, involving some nice point of commercial law, went naturally to counsel acquainted with mercantile matters, and what satisfaction could it be to him when he entered Court to find that his case was handed to a person who might be eminent in cases of libel or the specialities of patents, or an excellent advocate in addressing a jury on a criminal charge, but knew very little of mercantile law. In such case he did not obtain the

professional knowledge for which he had bargained, and the counsel who was not able to attend to a case and did not return the brief and fees, or consult the solicitor of the client as to the substitute to be found could not pretend that his conduct was that of an honourable man. In bringing forward the question he was, as a layman, under this difficulty that he could not cite cases that were within his own knowledge and experience. He would, with the indulgence of the House, read a few extracts from letters which he received from solicitors, and he might add that every one of them were *bonâ fide* communications made to him by persons of position. The following was an extract from a letter written by a partner in a firm of City solicitors of great eminence. After adverting to the practice of the Chancery Bar and the rule in Common Law Courts before 1852, the letter proceeded—

"I came to the Profession in 1855, and I remember well one of the first cases in which I was interested, in which we were deserted by both counsel, and in the end the case had to be settled upon terms which our client considered disastrous. A few years later there were two Queen's Counsel who were notorious for the same thing, and one of them happened to be our leader for several years; we were either obliged to go to the expense of a third counsel or submit to the absence of our leader, which very generally happened, and was very unpleasant."

The next was the statement of a solicitor in one of our large commercial towns—

"I was for defendants in an important mercantile case involving thousands of pounds. It was tried at Guildhall at the same time as a cross action involving same circumstances. I retained an eminent Q.C., specially conversant with the business, and his brief was marked about 100 guineas. I was about the Court waiting for the case to be called, when counsel's clerk intimated that the fee was insufficient. I expressed my great surprise, and said that the fee was evidently considered satisfactory when the brief was delivered days previously. The clerk admitted this, but said he had ascertained that the other side had a larger sum. I told the clerk that I must have the personal services of the counsel, who must be satisfied, and I increased the fee by a considerable sum. The counsel just attended the opening of the case that afternoon, but on the following morning it was intimated to me that he had another and very important professional engagement, and had handed over his brief to his friend Mr. —. The brief and fees were not offered to be returned. Mr. — had little experience in the matters involved, and so mismanaged that the client requested him to withdraw and leave the conduct of his case to the abler junior. My client lost the case."

The hon. Member for York was a warm supporter of the Bill, but unfortunately was prevented from being present. Mr. Leeman stated that—

“Some years ago, he was concerned for a contractor in an arbitration on a large claim upon a railway company. The arbitration extended over 100 days. His two counsel frequently did not put in appearance, and often for a few minutes only, and their interference accordingly did more harm than good. Becoming seriously alarmed for his client, Mr. Leeman requested that the counsel would abstain from interference at all, guaranteeing payment of fees notwithstanding. The fees amounted to upwards of £1,500.”

The next letter was as follows:—

“I understand you have a Bill before Parliament for making counsel liable on their contracts to perform the work for which they receive the fees. I have twice at the Assizes this week been disappointed (to use no stronger term) by the counsel to whom I had delivered briefs and paid substantial fees. I will not mention names, as I do not want to censure individuals, but to illustrate the vicious practice you are trying to remedy. In one case—a common jury case—I was for the defendant, and the defence was simply a set-off, the plaintiff's claim being undisputed. It was therefore the duty and the right of the defendant's counsel to begin and open the case; but my counsel, who had received the brief and fee several days before in London, had not come down, and the Judge refused to wait, and the plaintiff's counsel (there being no one to gainsay him) opened the case, possessing the minds of the Court and jury with his own view of it, so that when my counsel afterwards arrived, as he did in the middle of the trial, the verdict was practically lost beyond recovery. In another case (on the criminal side) an important prosecution, by direction of the Justices, for a public nuisance, the brief, with a respectable fee, had been given to an experienced counsel, who, just as the case was coming on, handed it over to a very young gentleman, who had not even time to read it, and an acquittal was the natural result. If for any unexpected and unavoidable cause a counsel cannot conduct a case he has undertaken, he should be bound to consult the solicitor concerned as to the choice of a substitute; and, if required, to return the brief, together with the fee, into the solicitor's hands.

Here was another case:—

“Mr. —, Q.C., was asked the evening before the trial if he would promise to attend on plaintiff's behalf. He promised, and the brief was left with him. When the trial came on, he very shortly opened the case, and then left his junior to complete, *i.e.*, examine witnesses, address the jury, &c., while he went to another Court. We lost.”

A solicitor in the West-end wrote—

“A client of mine being unfortunate enough to be the defendant in an action on a disputed account with a tradesman, and the case requiring

careful attention, I gave one of my clerks the names of three members of the Bar, with instructions to deliver the brief to one of the three who would pledge himself not to adopt the too common practice of handing over his brief, but to attend to the case himself. The first of the three had no difficulty in giving the required promise, and the brief with a fee of — guineas and a conference fee was delivered to him. Within five minutes, literally speaking, of the case being called on for trial, this gentleman handed over his brief to a young barrister whose services could very readily have been secured for a third of the fee, and who, having had no time to read his brief, as he indeed stated in open Court, lost the case, entailing on the defendant a heavy loss. My client in this case is a foreigner, and I have been unable, after the most elaborate explanation, to make him understand upon what principle of honesty a barrister, who did nothing to earn them, should retain the fees paid to him expressly for services to be rendered, or upon what principle of justice a man secures absolute immunity from liability, even from moral censure when he deliberately violates a solemn promise, and neglects a trust casting serious and unmerited loss upon the client who has employed him.

“In an important indictment for conspiracy (arising out of a strike) against some working men, I had instructed two eminent Q.C.'s for the defence. They were detained on Circuit and accordingly returned their briefs, but it is almost needless to say not their fees, although they amounted to about £60, and came out of the pockets of working men.”

He would not weary the House by reading more of the letters he possessed of similar purport, but would conclude with an extract from the letter by the City solicitor he first quoted, and in this case he would mention names—

“The present Mr. Justice Lush acted in a very different manner. He attached himself altogether to the Court of Common Pleas, and would not take briefs in other Courts, because he could not properly attend to the work. Another exception to the somewhat general rule was Sir John Karslake. Sir John would refuse to take a case if he thought he could not attend to it; and, although I believe it was not, strictly speaking, professional, you could always see him or his clerk and arrange with him to give his attendance to the case, and he would tell you if he could not attend to it, and, with this notice, if you gave him a brief, you did so at your own risk.”

He had much pleasure in saying that he had received similar testimony as to the conduct of other distinguished counsel, both Members of the House of Commons and otherwise. The Bill was an extremely simple one. The 1st clause gave power to a barrister to sue for fees which had been promised and not paid. That was in accordance with his

Mr. Norwood

(Mr. Norwood's) notions of equity. The 2nd clause rendered the barrister liable for gross neglect of duty. He believed that the clause was objected to by many on the ground that it was too severe. He had drawn the clause wide enough to embrace the whole matter, but if it was considered by the House to be too stringent in its character, or if it bore too hardly on the Profession, he had no objection to modify it in Committee. He had no doubt that, in the debate which would follow, he should hear a good deal about the "honorarium" and the relations between the Roman patron and client. *Blackstone*, of course, was a great authority against him, and he was aware that learned Judges in various cases down to "Kennedy and Brown" had decided that it would be dangerous to give up the privileges always enjoyed by an advocate, but he respectfully declined to argue this view of the question. It mattered to him not one iota what was the custom of the ancient Romans. They were now living in the year 1876; the conditions of life and of society were altogether changed; and he maintained that there was nothing in the circumstances of the present day to justify the continuance of such a system. The so-called honorarium in these days was a myth and mere moonshine, for the fee was a matter of ordinary bargain as much as any on 'Change, but with this difference—that, generally speaking, the barrister's clerk was able to insist upon the fee being paid beforehand. He was certain that it would not be maintained that the honorarium really existed; and if it no longer existed the immunity based upon the theory of an honorarium must utterly fail. He had conclusive information which bore upon this point. One gentleman wrote that—

"The idea of counsel receiving only such honorary payments as suitors were willing to give was a pure fiction. Whatever practice might have prevailed centuries ago, in the days in which we live counsel through their clerks did bargain for fees, and very good bargains they made. Having got the money in their pockets they did exactly as they pleased in regard to the performance of the contract. In other words, they failed to attend, or they might, without consulting anybody but their own convenience, hand over the brief to another person equally unknown and unacceptable to the suitor. What would a learned Judge say of any other set of men who took the same course?"

So much for the honorarium. He was, however, told that if they did away with this system the fees would increase. Well, fees had already increased. They never were so great as they were now, and he did not grudge them. The public were not bound to go to the counsel who charged the highest fee, but they had the choice of the entire Bar. If a man of great reputation thought that he was entitled to charge a large fee, let him do so, and he (Mr. Norwood) would place no limit upon the demands which counsel might make in that respect. He would now advert to the objections made to the 1st clause in the Bill which gave power to a barrister to sue for his fees. He was told by distinguished members of the Bar "this clause is unnecessary, for our bad debts are infinitesimal." He quite admitted it, because after a barrister had attained eminence, a solicitor dare not treat him except with the greatest respect, but that was not the case in regard to the junior Bar. He had evidence over and over again from junior counsel who said they were obliged to accept business in any form in which it came to them, and they suffered cruelly in consequence. There was a certain class of solicitors—the black sheep of the Profession—who employed a young man until the fees amounted to a considerable sum, and when the barrister applied for payment deserted him and took the same course with his successor, which was simple robbery. He had in his hand letters in which the writers drew a piteous picture of the condition of gentlemen who were solely dependent upon their fees for their sustenance in life, and complaining cruelly of the way in which they were treated. They added that the only prospect of relief they had was from the passing of some measure of this kind. The second clause of the Bill was drawn wide for a purpose he had already explained, and he had no objection to modify it in Committee within reasonable bounds. His object was not to open the door for an action against the *bond fide* efforts of counsel simply because counsel had lost a case, or the solicitor or client thought he had not done quite as much as he might. He was told that the passing of this clause would destroy the independence of the Bar. He should be sorry to do any-

thing that would attain such a result, but he could not conceive how the independence of the Bar, and their power to advocate efficiently the cause of their clients, should be bound up with immunity from the ordinary obligations of law and morality that affect every other class of the community. He was to be opposed upon this occasion by his hon. and learned Friend below him, the hon. Member for Coventry (Sir Henry Jackson). He believed his hon. Friend was admirably qualified to review the whole position, but he wished to remind his hon. and learned Friend that he had no quarrel with his (Sir Henry Jackson's) part of the Profession—the Chancery Bar. His hon. Friend had chosen to take up the cudgels for his brethren of the Common Law and Parliamentary Bar, and he hoped his hon. Friend would tell them how they could in future avoid the scandals which had existed in the past. A man knew if he went to the Chancery Bar and engaged the services of counsel, that those services were rendered, and therefore he (Mr. Norwood) hoped that his hon. and learned Friend, in advocating the cause of his Common Law brethren, would, in justice, explain how admirably well that system worked, and offer to assist them in placing their branch of the Profession upon the same basis. He admitted that the proposal which he now submitted to the House, was full of difficulty. He was aware that the arrangements in the Common Law Courts made it extremely difficult for counsel to know when his business was to come on, and he believed that the rules under which the Courts were now acting had not been framed so as to facilitate business, but the very reverse; but he did not hesitate to say that a great deal of this difficulty arose from the apathy of the Bar. The Benchers of the Inns of Court were far too apathetic, and they failed to regulate the business of their Profession in such a way as to meet the needs and requirements of clients. He was further of opinion that the learned Judges themselves did not take the trouble to see that the business was facilitated as far as possible, or they would long before this have done something which would have tended to mitigate the evil now complained of. He had no wish to restrict the judicial independence of the Judges; but, at the same time, he could

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not forget the fact that they were salaried servants of the State, and that they should do all they could to assist the Bar in making such regulations as would enable them to fulfil their duties to the greatest advantage of the public at large. No one in the present day could tell in what Court his case would come on. A man who believed that his case was to be tried the next morning in a particular Court, found when the day arrived that it had been transferred to another. There were difficulties, no doubt, but he believed they could be overcome if there was an anxious desire displayed on the part of the Bar and of the Judges to make some more satisfactory provisions. The Bill was a very important one, as seeking to remove a growing scandal. It affected every individual in the country. There was no man or woman who was not liable to appear in a Court of Law to protect his or her life, property, or reputation. It applied also to a large, a distinguished, and a noble Profession, and there was no section of the community so interested in the amendment he desired to effect as the Bar itself. He believed that it was for their interest to eliminate those objectionable practices, to restrain the rapacity of some of its members, and to elevate generally the tone of the Profession. He was of opinion that the Profession just now was seriously compromised, and that a very strong feeling upon these matters existed among every class of the community. He did not believe that any hon. Member who was about to take part in the debate would be prepared to deny the general correctness of his allegations. He owned that he felt the task he had undertaken a difficult and unpleasant one, and he trusted that he had discharged it without discourtesy or giving just cause of offence. His position was this—he had, on behalf of the public, by introducing the Bill and getting it read a first time, obtained a rule *nisi*, and he now called on the House, unless good reason could be shown to the contrary, to make that rule absolute by assenting to the second reading.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Norwood.*)

SIR HENRY JACKSON: The hon. Member for Hull (*Mr. Norwood*) has

opened his case with great ability, and in a manner to which no Member of the Profession, to whatever side of the Bar he may belong, can reasonably take exception. The hon. Gentleman has passed no censure on that branch of the Profession to which I have myself the honour to belong, and has on that account expressed his surprise at my hostility to his measure; but, perhaps, this very reason makes me better qualified to warn the House against the consequences that would follow from the present Bill being passed into law. I will not enter into the controversy which my hon. Friend has deprecated; I will not consider whether the fee of a counsel being a honorarium is based upon the Roman Law or is part of the law of England—I agree that we have to deal with the existing conditions of English society and the requirements of the English people in 1876; but I am entitled to say this, that as the present relations between advocates and clients have existed in this country from the earliest recorded time—as the principle of the honorarium obtains not only in England, but, I believe, in every Christian country on the European Continent and in everyone of our English Colonies; as until recently no complaint of its operation has been made, at least it has a very strong presumption in its favour; and those who are anxious to maintain it have a clear right to require from those who attack it the establishment of two propositions—first, that the existing condition of things shows evils which can be remedied only by legislation; and, secondly, that the legislation proposed is sure to bring about a better state of things than that which now exists. Now, what does the evil complained of amount to? Assuming all the allegations of the hon. Member to be true and incapable of explanation, it comes to this—that there are a certain number of barristers to whom it may be objected that they are guilty of practices which I am sure no Member of this House will justify; and this is the ground on which it is asked that a measure affecting the whole Profession shall be passed. It is not with the hon. Member, as of old, that the city shall be saved for the sake of 10 righteous men—the hon. Member would destroy the interests of a whole Profession for 10 unrighteous members of it. My hon. Friend must make out that

there is no other cure for the evil alleged. What is the complaint? That a certain number of counsel are in the habit of undertaking more business than they are able to discharge. If they do so deliberately—if there are any members of the Bar in high position who, knowing that they cannot discharge the duty they undertake, yet receive and retain the reward for doing that duty—all I can say is, that I have no words sufficiently strong to express my reprobation of such conduct. But we have not yet had this charge proved. I know of no such case of my own knowledge, and in the absence of proof I will not assume that such practices obtain. No doubt serious inconveniences and disappointments sometimes result from the non-attendance of counsel; but how does that generally arise? The matter is beyond the control, not of counsel generally, but of the distinguished counsel of whom complaint is made. The difficulty arises, first, in consequence of there being so many Courts sitting at the same time, and, secondly, from the fashion in the public of confining their attention to particular counsel—a fashion not warranted by common sense or approved by experience. There is a run upon certain men, and no client considers himself ready until one or other of them is retained: their services must be secured at all hazards: and what is the result on the position of the particular advocate so sought after? I am sorry to trouble the House with allusions to professional details, but in considering this subject I must explain how he often finds himself fixed. He accepts a brief in a case to be heard, we will say, the next day, and with the determination, *coûte qui coûte*, that he would attend to it. He reads his papers, holds his consultation, and is prepared to proceed with the case. He attends in his place on the morrow. He finds, from no fault of any one—perhaps through the preceding case lasting longer than was expected, or because of the absence of a witness or the illness of a Judge—that his case is not ready for hearing. Now, the effect of my hon. Friend's Bill will be that till this particular case has been disposed of, that counsel could not be retained in any other; and, although he might have undertaken to argue another case on the following day in the full belief that he would be ready to do so,

he would have to return his brief, and leave his client in the second case—and, perhaps, at very short notice—without assistance. You may get barristers willing to enter into such an arrangement and to carry it out; but you will not get the eminent men who are so much sought after to do so; nor can it be expected. What, then, is really the position of the client in reference to the services of counsel so much sought after? He knows perfectly well that these men have such an accumulation of business on their hands that accidents such as I have described are inevitable; why, then, as there is so much doubt whether their services can be obtained, employ the counsel in question? Why not deliver the brief to any other of the numerous gentlemen at the Bar who would readily accept it on an undertaking to attend whenever and wherever it may be heard and who would be perfectly competent to do it justice? The fact is, that the services of a particular counsel are retained to secure that at all events he shall be kept from the other side, and in the hope that he may be able to attend to his client's case more or less. It is felt not to be safe to allow that gentleman to be employed on the other side, and he is retained to keep him from the enemy. This, I maintain, is in many cases the real bargain and understanding. The client gets what he bargains for, and now, though my hon. Friend complains that he does not get more, I do not say that his bargain is a wise one, or that the possibility of his being driven to it shows a desirable state of things; but it does not seem reasonable that Parliament should be called on to alter the whole *status* of the Profession of the Bar and to make serious changes in the administration of justice in order to make certain counsel do what every one knows they cannot do—attend to two things at the same time in different places. The difficulty is not without a remedy. That remedy is not far to seek: it is in the hands of those who complain: it is simply to abstain from employing gentlemen who are known to have acted in the manner complained of, and to employ those who have more time to bestow on their cases. My hon. Friend has made some little of the benefit which his Bill will confer on the Bar by giving counsel a right to recover their fees. No doubt,

to many members of the junior Bar there may at first sight be a certain advantage in securing a legal right to recover their fees; but, notwithstanding that, I venture to think that, with the exception of the few gentlemen who have written to my hon. Friend, the unanimous opinion of the Bar is that this so-called advantage ought not to be accepted, because it will endanger what they value far more than the mere pecuniary consideration—the maintenance of their professional *status* and their freedom of action in their professional duties. It is all very well for my hon. Friend to talk of benefiting the Bar, but the essence of his Bill is not to benefit the Bar, but to impose on it a different *status* from that which it now occupies. On the other hand, I cannot accept the alternative of my hon. Friend the Member for West Sussex (Mr. Gregory). I do not think a Committee the proper tribunal to settle this question. It has lately been the fashion to decry Select Committees, but I do not concur in that opinion. I consider them most valuable means of eliciting information; but when all the facts of a case are known, their Report is only as valuable as the opinions of the individual Members who concur in it. Here there are no facts to elicit, and no useful purpose will be served by referring either the Bill or the subject to a Committee upstairs. The principle of the Bill is plain enough, and is expressed in the Preamble—it is to take away the present professional *status* of counsel, and to give to them in the discharge of their duty the same rights and render them liable to the same liabilities as the other subjects of Her Majesty. My hon. Friend states that the arrangements made by members of the Chancery Bar give him, and those whom he represents, complete satisfaction. I am glad to hear it. But does he not see that this Bill, if it becomes law, will affect that branch of the Bar of which he has spoken in terms of entire approval just as much as those whom he condemns. Practically, says my hon. Friend, counsel in Chancery attend to their cases; and no doubt they do. But Chancery barristers are bound, as all other counsel are, to attend to the Courts of Appeal in preference to the Courts of First Instance, and, as my hon. Friend says, with approval, they are entitled to consideration when they

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absent themselves under the pressure of a special fee. But under this Bill their accidental absence, or their justifiable absence from whatever cause, would, so far as the client was concerned, give just the same cause of complaint as the deliberate absence of which he has spoken; and the Bill will deal a blow not only to the leaders of the Bar, but to the juniors also, of whose interests my hon. Friend claims to be so anxious an advocate. The fact is, that if any barrister is to be liable to an action at law and to damages for not being present at the hearing of a cause, unless he can satisfy a jury that he is absent through unavoidable accident or from some other justifiable cause, the position of the Chancery barrister would be just as intolerable as that of other members of the Profession. If my hon. Friend admits that a satisfactory result has been arrived at by the voluntary arrangement made among themselves by the Chancery Bar, what is the need for legislation? The question of making arrangements by which the attendance of counsel can be secured to the same extent at any rate as is the case in the Courts of Chancery can surely be dealt with without legislation. It is a matter which, as it seems to me, may easily be arranged; but, so far as I have heard, no attempt has been made to approach the Bar on the subject either by clients or solicitors. Nor have I any doubt that if solicitors would take the matter into their own hands, and instruct only those whose attendance they are sure of, they are quite strong enough to protect themselves and to force the Bar into satisfactory arrangements, and the complaint of which we have heard so much will soon come to an end. But, after all, this question of the non-attendance of counsel, though principally present to the mind of my hon. Friend, is but a small part of the change which his Bill, if carried, would effect. Could he confine his Bill to the objects he has in view, though unnecessary and prejudicial, it might be less dangerous. If this Bill were to become law, every barrister would become liable to his client for his conduct of the case, and for the opinion he may give upon it. Sir, if this were to be law it would put an end at once to all that was worthy and noble in the *status* of the Bar. My hon. Friend, no doubt, says, he has no intention of pro-

ducing such a result; but such a result must inevitably follow. The position of a barrister in relation to his client is well understood, though it is difficult to define. It is one of exceeding delicacy, of the greatest devotion on the one side, and of the utmost trust on the other. It is the position of advocate as distinct from that of agent or servant, and this distinction depends upon the absence of that very right to recover the promised honorarium which it is the object of this Bill to confer. Once establish the right to recover the fee, the relation of advocate ceases, and that of principal and agent takes its place. That advocacy should be permitted all civilized countries are agreed, and all confer upon advocates special immunities and peculiar duties. At present the advocate makes the success of his client's cause his first and paramount object; but he does this with due subordination of the case to his conviction of the rights of the matter and the law bearing upon it, to considerations as to public time, and to the feelings of others, and he considers himself at liberty entirely to disregard, if necessary, the instructions with which clients too often hamper him as to the manner in which he shall conduct the case. But if, instead of being an advocate, he were to become a paid agent, his agency would make him the mere mouth-piece of his client, and it would necessarily follow that he must say exactly what his client tells him to say, call the witnesses whom his client desires him to call, and, it may be, make attacks which he knows to be unwarrantable and argue points of law which he knows to be untenable. In fact, that freedom of speech which has been a power to the Bar and a great glory to the country would no longer avail for his protection—while, on the other hand, being so directed, the client would properly be answerable for all his counsel may in the heat of the moment have said against his opponent. Sir, so great an alteration in the *status* of the most liberal Profession in the world will not only lower the character and position of its members, but be a great disadvantage to the public at large. The interests of the Profession and of the public are in this matter identical. If there is one thing more than another in our political and social system of which we are all proud, it is the cha-

racter of our judicial bench. We are all assured that even when disappointment suggests or fancies prejudice or infirmity in the conduct of a cause, no one person has even ever hinted at partiality or corruption in our Judges. Our Judges, we know, have been and are amongst the foremost minds of the country. Upon their character for integrity and impartiality depends the satisfactory administration of the law. The Judges have been, and I hope will continue to be, selected from the Bar. To the Bar has ever been drawn as to an irresistible attraction, all that is most hopeful and promising in each rising generation, and in the training and practice of advocacy our Judges and statesmen have been made. Nothing, then, could be more disastrous than that a law should be passed which should turn from a Profession which has now such a charm those young men of ability and promise, who would otherwise become in the future our Judges and lawgivers. What could be more deterrent than that they should be liable for opinions they honestly give, or for arguments they use, or discretion they exercise, to be harassed by disappointed clients? The nature of the subject with which an advocate is concerned, differs from that of an ordinary Profession. From the nature of the case, in almost every lawsuit, both parties start with a conviction that they are in the right, while it is inevitable that one or other must end by being shown to be in the wrong. Seeing how much of mere chance and what differences of opinion there are in every litigation, how can any man of independence face the responsibility of giving an opinion for which, if it ultimately proves incorrect, he is subject to be made liable in an action? It may be said that a *bonâ fide* opinion even if wrong would not involve such liability, but this, I say, that the very liability to be impleaded would take away that independence from a barrister which is now his greatest pride, and his client's greatest safety. No one makes any complaint as to the manner in which the Bar conduct their cases, and the public would be the first and greatest sufferers by putting any fetter on their discretion. My hon. Friend has no doubt produced a formidable amount of testimony as to the existence of serious inconveniences, but he must

remember that upon this subject all eyes have been turned upon him, and he has been made the recipient of every grievance, and no wonder that he sees only the black side of the picture. But the House will remember that no one person whose conduct has been observed upon by any of my hon. Friend's correspondents, has had an opportunity of explaining the matters charged against him. By no means complaining of my hon. Friend for bringing the subject forward, and still less of the manner in which he has done so, I still think that the best interests of the public will be served if the House will adopt my Amendment and reject this Bill.

MR. WHEELHOUSE, in seconding the Amendment, after congratulating the hon. Member for Hull (Mr. Norwood) for the temperate language in which he had opened the debate generally, thought it was only due also to the hon. and learned Member for Coventry (Sir Henry Jackson) that he should offer to him his warm thanks on behalf of the Common Law side of the Profession, for the very lucid and clear way in which he had put the whole case before the House. In the Courts of Westminster Hall, members of the Bar had not, and indeed could not have, the like opportunity as Chancery Barristers possessed of attending, to the same extent personally, to the cases in which they were instructed, because in a much larger ratio the Chancery Courts had their own practitioners attached to them continuously, while at Common Law there were often three or four Courts sitting simultaneously, sometimes *in Banco*, sometimes at *Nisi Prius*, and the advocate himself, even before the late Judicature Act, scarcely knew in which Court his cause was likely to come on; while still more was it the case at present, when causes, though headed as belonging to one Court might be, and indeed often practically would be, transferred to some other. He ventured to assert that there was no class of men more anxious to perform their duty than were barristers, and for the best of all possible reasons—namely, that to no one was it of more consequence (with the exception of his client) than to the barrister himself not only that he should perform the duty cast upon him, if he could possibly do so, but for his own credit's sake that he should put forth the most strenuous manifestation alike

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of ability and will. No one knew better than he that his forensic reputation was more or less involved in every case with which he had to do. Barristers never, as he apprehended, undertook functions which they could not expect to perform; and they carried out, in all cases, what they undertook, which was to do the best they could under the circumstances in which they were placed. Nay more, in ninety-nine cases out of a hundred, they thoroughly performed the duties entrusted to them, and if by some accident over which neither the advocate, the solicitor, the Judge,—nay even the jury itself had any control, the barrister was unable to perform the duty, surely that was no reason why he should be exposed to legal proceedings by some disappointed client. It must be borne in mind, moreover, that while every other man, engaged either in professional or commercial life, could do a large part of his work vicariously, the barrister, so far as Court work, and indeed a large portion of Chamber business was concerned, must do his own work entirely himself. He would remind the House, moreover, that that part of the work which he might denominate "public" was often as nothing in comparison with the thought and elaboration devoted antecedently to every case, and was it to be said that if on some one occasion, possibly, any unforeseen occurrence caused the involuntary absence of counsel from his place, therefore, all the fruits of his previous labour should be lost to him; nay, far worse, that he should be exposed to the annoyance and the risk of legal proceedings for having most conscientiously tried to do his best. It might be said, no doubt, that such proceedings if attempted, must come to nothing; but there never was a more fallacious view; the very entry of such a matter must have a most damaging effect on the reputation of the practitioner attacked by it. Surely it was no justification for putting the advocate to the annoyance of a prospective action, because a client might think that he had held a mistaken view, had omitted something which the solicitor had instructed him to say; some question which the client might (perhaps most unwisely) have insisted upon, or had failed to take up some point which he himself knew to be untenable. He was glad to hear the hon. Member for Hull make the state-

ment that he had no intention of prejudicing the legal Profession, but it was scarcely possible for any gentleman in commercial life, however eminent, to appreciate correctly what would or would not injure that Profession; or even (if he might say so), form a proper judgment of the rights, the duties, or the responsibilities attaching to it. The hon. Member had told them that he had hoped the Judges during the last Long Vacation would have regulated, as he was pleased to term it, the proceedings of the Bar; but it was a most difficult matter to say what means the Judges had of doing anything in that direction, while members of the Bar were themselves nearly altogether, if not absolutely, powerless in the matter. But while he made this statement, he himself by no means thought the difficulty insuperable, or the position of which complaint was now made completely without remedy. The hon. Member for Hull had, inadvertently no doubt, used the word "blame" or "blameworthy," and while he was sorry to have heard it, he, on behalf of his own branch, and if he might take upon himself to say so, in this instance, for the solicitor's branch of practice as well, thought, that if by the expression it was sought to convey some notion of possible avertible negligence, he thought the hon. Gentleman was in error; but if it only meant the idea that no one saw or would undertake to provide a remedy, then—to a certain, though limited, extent perhaps—the hon. Member for Hull was right. The simple truth was this. If the gentlemen in the other branch of the Profession, or even their clients were determined to retain and to secure, if possible, exclusively, the services of Mr. A or Mr. B they must bear in mind that there were others equally determined to obtain the services of the same gentlemen; and it was by solicitors giving out the work much more widely than it was at present distributed, that the alleged evil against which this Bill was directed could be under any circumstances remedied. It must be borne in mind, too, what a retainer implied. It was not merely the condition of securing the active services of the counsel to whom it was offered, but it precluded all possibility of his appearing on the other side, an advantage which could scarcely be over-estimated, and which was never undervalued. He

was sorry to have been told by the hon. Member for Hull that he had known cases where life was at stake and counsel neglected their duty. In a practice extending over more than 30 years, in one of the largest circuits in England, he could confidently say that he had never known a case where a man's life was at stake, in which the counsel engaged to defend him, whether retained in the ordinary way, or assigned the duty by the Judge, had not most thoroughly and conscientiously performed the awfully responsible duty devolving upon him. Had the hon. Member known as he (Mr. Wheelhouse) did, with how much of cost, how much fear, how much anxiety, and how much foreboding cases of that kind were approached he would not be under much apprehension that in such circumstances, the slightest miscarriage of justice was likely to arise. This he must say, though he was extremely anxious on this matter to avoid everything like a supposed endeavour of obtaining misplaced sympathy for his Profession from any portion of the House. Indeed, if he might express the opinion, he could not help thinking when he heard such statements made, affecting a branch of the Profession to which he more especially belonged; indeed, he must state he felt that the hon. Member for Hull, however desirous he might be to carry his measure, knew but very little indeed on that particular topic. There was another view of this matter which had been presented to them. It had been said that, the idea of an honorarium was long ago exploded; in fact, was, nowadays, out of the question, and that the relations between counsel and client were as much a matter of bargain as any other arrangement, and that there were scarcely two opinions in the Profession, or indeed out of it, upon the subject. He had yet to learn that these relations were, or could be, considered in the light of a bargain; indeed, the idea involved what seemed to him something like the very impossible fallacy on which this Bill rested. The only bargain there could be, was that counsel should do his best; if for a moment any idea beyond that were introduced it would at once detract from the dignity and independence of the Profession, and absolutely derogate from its honour. He thought that the speech of the hon. Gentleman had shown

that he was neither so accurate in his knowledge, or so thoroughly acquainted with the requirements or the feelings of the Profession, as a professional man himself would be. Nor was this to be expected. He (Mr. Wheelhouse) knew that solicitors had at all times the most earnest desire for the welfare of the clients whose business was entrusted to their charge. At the same time every hon. Gentleman in the House knew that each single solicitor had the power of making choice not only of one or two counsel, or, indeed, of half-a-score known ones of tried ability, but of hundreds, all equally able—often known to the solicitors themselves, though unknown to the outside world—only waiting for encouragement and opportunity. Because an individual counsel could not attend at one time, in two Courts; it might be of the Common Law, or in the Chancery and Appeal Court at the same moment, to throw the whole onus upon the advocate, appeared to be placing him in a somewhat unfair and invidious, not to say harassing and unfortunate position. They had no right to expect more from counsel than, humanly speaking, they were able to perform, and he sincerely hoped and trusted that they would hear no more of those allegations, of which (while but little had been said to-day in the course of the debate) he had been told abundantly elsewhere. He had looked through the clauses of this Bill, and he ventured to think that with the exception of the imaginary boon sought to be conferred on counsel by the 1st section, it was a Bill of Pains and Penalties from beginning to end. However they might modify the 2nd clause, that must remain its clear and definite proposal and aim; while the 3rd was to his mind more completely penal even than the other. Nothing could make either of them less so, however the language in which they were couched might be changed. The speech of the hon. Member by no means went so far as his Bill. The proposed measure was unlimited and without restriction. He was bound to say that during the course of his professional life he had performed his duties hitherto (he trusted not altogether unsatisfactorily) without the restraint now sought to be imposed, and he still wished to be left to the exercise of his unfettered discretion. If this Bill became law, any member of his branch of the Profession

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would at once be liable to be served with a writ for any breach, or supposed breach, of duty, no matter what might be the attendant circumstances. The position in which they would find themselves would be the most unfortunate one it was possible to conceive. Any disappointed client, any dissatisfied solicitor, and there were such (though happily few and far between) thinking his counsel had not done what he, the client, was pleased to consider his best, could fire off a "claim," and in a Court of Justice expose his late advocate to the pain of making public all sorts of private matters which had been discussed between them, and, moreover, subject him, it might be, to an enormous amount of costs. Even if that were justified or justifiable, as between themselves, there would still remain the question, how far was it right and reasonable (in such a case) to introduce the matters and affairs of third parties, who, possibly, were totally innocent of all connection, except a merely accidental one, with the inquiry. But beyond this, it could not fail to have the effect of curbing most seriously that free expression of view and of opinion which had been for centuries the pride and glory of the English law and of our English Courts.

Amendment proposed, to leave out the word "now" and at the end of the Question to add the words "upon this day six months."—(*Sir Henry Jackson.*)

MR. GREGORY said, it was a delicate and invidious matter to raise any question connected with an honourable Profession, but as he thought it deserved the attention of Parliament, and he happened for the present year to be President of the Incorporated Law Society, he thought it right to express what he understood to be the views of that body, as well as himself upon it. He desired, in the first place, to refer to the existing distinction between his branch of the Profession and that which was the object of this Bill with reference to liability to their clients — because he thought it bore in some degree on some of the points raised by the hon. and learned Member for Coventry (*Sir Henry Jackson*) and the hon. and learned Member for Leeds (*Mr. Wheelhouse*). Solicitors were personally liable to their clients for the conduct of their business and for the advice they offered.

That liability had been somewhat freely enforced, and many men of his branch of the Profession had suffered materially, though they were innocent of any design against the interests or the wishes of their clients. That responsibility met the solicitor at every moment and was impending over him every hour; but notwithstanding that position solicitors did give honest and disinterested advice to their clients—he was speaking of the better class of solicitors—and put moral pressure upon them to induce them to avoid or abandon litigation when necessary for their interests. He could assure the House that it was much easier to induce a client to enter into litigation than to keep him out of it; and when a man went with his temper excited and his feelings aroused by a sense of wrong to consult his solicitor, and the latter had to point out to him that there was another side to the case, it was very difficult to get him to see it; but when persuasion was duly exercised and accepted the result was generally much to the benefit of the client. Well, counsel would not be more hampered than the other members of the law in giving honest and sound advice, should a similar Bill to this be passed. Another point raised against the Bill was this, it had been said that a solicitor ought not to send a brief to a barrister whose practice was so large as to render it doubtful whether when the case to which that brief related was called on in Court he would not be engaged in another Court, and that the brief should be sent to other counsel who could attend to the case when called on. But it was not every solicitor that could act freely with regard to the giving of briefs to barristers. It was not every solicitor who could rule his client in the selection of counsel; and many solicitors were struggling young men, and if cases in which they were concerned had been lost they might be told by their clients that that was in consequence of their not having employed some well known counsel. A solicitor who had acquired a *status* in his Profession did not fear to act in opposition to the wishes of his client with regard to the selection of counsel, but that course could not be expected in the case of a struggling young solicitor. With regard to the practice—to which there were many honourable exceptions—of barristers accepting briefs in more cases than they

could attend to, as well as another which was equally if not more objectionable—namely, that of counsel through their clerks demanding fees beyond those marked upon their briefs, he believed it was to a great extent attributable to what occurred during the railway mania. Frequently during that period, in the case of railway schemes that were undergoing consideration by Committees of the House, briefs were given to counsel, not with the view of securing their services, but simply to prevent their appearing on the other side. This had for a consequence the effect of modifying and derogating from the old feeling which actuated the Bar with respect to personal interest, and set aside the ancient practice in favour of the more modern doctrines that a counsel might accept briefs without limitation. Then the modern system of bargaining for fees did not exist to the same extent as now when he (Mr. Gregory) first entered on the practice of the law. Then the counsel when he accepted a brief entered into an implied and honourable engagement to attend to the case to the best of his ability, irrespective of bargain. He remembered that the late Lord Kingsdown, when he knew that he should be engaged in the Court of Appeal on certain days, put up a notice in his chambers that during that period he could not take any briefs. Under the present system solicitors were frequently placed in a most painful position, not only from the loss of the services of their counsel but by the payments which they had to make to secure them. On the one hand, the solicitor had to consider the means and resources of his client; on the other, it was intimated to him that the fee was inadequate for the services expected. His client might be an individual of limited means, opposed to a public company with large resources at their disposal, and he might be told that the fees given by them ought to be the measure of his. No doubt that evil existed as well as that of counsel not performing the duty they had undertaken to discharge, and the question was how best to remedy them. He (Mr. Gregory) was not prepared to go as far as the hon. Member for Hull (Mr. Norwood) in this matter. He agreed with him that the old principle of honorarium was practically abolished, and complaint was frequently made to the Law

Mr. Gregory.

Society of non-payment of counsel's fees, and, as there was no legal means of recovery, the Society dealt with cases as they best could; but the Council had no jurisdiction over solicitors who were not members of that Society. Though he admitted that barristers should be enabled to enforce payment of their fees, he did not agree to the proposition of the hon. Member for Hull that their *status* in relation to their duties to their clients should be altered. Great latitude must be allowed to counsel in the conduct of their business. He believed that generally counsel exercised a very sound discretion, and he did not wish to do anything which would hinder the exercise of their discretion. But with reference to barristers taking more cases than they could attend to, and the regulation of their fees, he thought some remedy should be adopted. He wished some proposal on that subject would emanate from the Bar. For that purpose he ventured to throw out a suggestion last year, and he regretted that during the interval a proposal had not been made. He held in his hand an extract from Rules of the Common Bench made in the reign of King James I., which was to this effect—

“That if any serjeant or counsel-at-law shall take any fee to be accountable for any case and shall not attend the same case accordingly, on complaint or information given to the Judges, the Judges shall in their discretion order a repayment of the fee; and if any serjeant or counsel-at-law shall take excessive fees, such serjeant or counsel-at-law shall, in the discretion of the Judges, make a restoration of the excess upon pain of not practising in Court for such a length of time as to the Judges shall seem fit.”

Some tribunal or authority was required, to be constituted either by the Bar or by those connected with it, to which solicitors should have the power of making representations on those matters. At the proper time, therefore, he would offer to the consideration of the House a Motion for a Committee to inquire into the subject of the relations of counsel with solicitors and their clients.

MR. SERJEANT SIMON said, that the case as put by the hon. Member for Hull (Mr. Norwood)—namely, that when a man was engaged to do a given work for a given remuneration he ought to perform that work—was one which would find a ready assent. But the question really at issue was not that

would at once be liable to be served with a writ for any breach, or supposed breach, of duty, no matter what might be the attendant circumstances. The position in which they would find themselves would be the most unfortunate one it was possible to conceive. Any disappointed client, any dissatisfied solicitor, and there were such (though happily few and far between) thinking his counsel had not done what he, the client, was pleased to consider his best, could fire off a "claim," and in a Court of Justice expose his late advocate to the pain of making public all sorts of private matters which had been discussed between them, and, moreover, subject him, it might be, to an enormous amount of costs. Even if that were justified or justifiable, as between themselves, there would still remain the question, how far was it right and reasonable (in such a case) to introduce the matters and affairs of third parties, who, possibly, were totally innocent of all connection, except a merely accidental one, with the inquiry. But beyond this, it could not fail to have the effect of curbing most seriously that free expression of view and of opinion which had been for centuries the pride and glory of the English law and of our English Courts.

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the House would pause long before it accepted such a measure as that, because, by degrading the character of the Bar, they would strike a blow at a power which in periods of political danger had been, as they might be again, the best friends, and sometimes the only staunch supporters of the liberties of the subject.

MR. GATHORNE HARDY said, that as the discussion had been somewhat confined to those who proposed the Bill and those who at present practised at the Bar, it might not be unreasonable for one who had only a recollection of the Bar and a great regard for it to say a few words. The Bill was a large measure to meet a small evil. It was also somewhat inartistically drawn, and was, besides, founded on a specious pretext altogether alien from its real purport. It professed to be an enabling Bill—a Bill to enable counsel to recover their fees; and it went on to render them liable at law to the persons employing them. So that while on its face its object was an enabling one, it was really a Bill to fix a liability. The authors of the measure seemed to think those two things were equally pressing, because the terms of the Bill were that the Bar should “enjoy the same rights and liabilities.” His impression was barristers neither wished to possess the rights nor “enjoy” the liabilities. It would be a strong measure on the part of the Legislature to attempt by Act of Parliament to alter the whole character and condition of a great Profession, and to prevent them from continuing, as they now were in all civilized countries, free from all liabilities, and rewarded by honourable remuneration. Were they to attempt by legislation to alter the whole character of a great Profession on account of a few of its members? Suppose they did the same with the great body of physicians. Men had been prepared for and had entered a great Profession which was free from those liabilities and did not possess the privilege of enforcing its fees; and was Parliament all of a sudden to interfere with them and make them traders and bargainers in every case they undertook? It would be of no benefit to the country to make such a change. That Bill went practically to a fusion of the two Professions, for it was one of its provisions that a barrister should act for a client without the intervention of an attorney. That had

never, he believed, been enacted before in any country, though in some it might have been practised under certain conditions and to a certain extent. They were now asked for the first time to enable the advocate to contract with the client himself, and thus to extrude and thrust out from their position that Profession which the hon. Member for Sussex (Mr. Gregory) so much adorned. He listened to that hon. Gentleman with great interest and pleasure, because he spoke temperately and carefully, evidently seeing all the difficulties which he was about to encounter. There would be enormous difficulty in carrying out the proposals of the hon. Member for Hull. No barrister, however honest, could ensure himself against the difficulty of having cases for which he was engaged coming on in two places at the same time. Many changes had occurred since he himself practised at the Bar. He recollected that when he went the Northern Circuit a leading counsel—a man like Baron Martin—was practically retained in every civil case there. In a great many cases points were reserved for the opinion of the Court above—which was not one Court, but several in the old time—namely, the Queen’s Bench, the Common Pleas, and the Exchequer. The cases in which Mr. Martin had been engaged at York or Liverpool came up to be heard *in Banco* on points of law that were reserved, and they came on without regard to Mr. Martin’s convenience in holding the briefs, but according to the convenience and the arrangement of the Court; and what benefit would it have been to any suitor that he should renounce the assistance of the great lawyer he had employed for the sake of having the services of a man who was always sitting in one particular Court? It might be in the power of a great advocate to appear in many of those cases, but he defied him to appear in them all. The hon. Member for Sussex (Mr. Gregory) said that if a solicitor did not employ a fashionable barrister his client would complain of him. He employed a fashionable barrister on two grounds—first, to get the best assistance he could for his own client, and next to prevent his opponent from getting it. The attorney in such a case was content to neutralize his opposition if he could not secure the services of the man he wanted. Clients, too, had

their strong preferences. There was a ludicrous story that once at the Liverpool Assizes a prisoner who stood waiting to be tried, turned round and said to his attorney, "Where is my counsel?" The attorney said, "I have a very eminent counsel here," pointing to him. "But," said the prisoner, "that is not my man—that's not the man I had before." "Well," remarked the attorney, "although he is another man he will undertake your defence." "He certainly shan't," rejoined the prisoner, "for I will rather plead guilty." Since then there had been a change. Under the Judicature Act they had cases coming on not only in the first Court to which they were sent, but transferred from one to another; and, therefore, it was impossible for anybody to be absolutely sure of the counsel he had engaged. He was astonished at the number of days that cases now lasted. Formerly very few lasted more than one or two days, but now they extended to 10 or 12 days and not very unfrequently even to a month. Conceive the position of a barrister who had seen the case he was going to conduct on the list and had waited many days. In consequence of the delay in some cases, or the rapidity of others, he found he had different cases coming on in different Courts at the same time; and what was he to do? The attorneys would not wish him to give up his brief, but would prefer that he should give all the help and advice he could, give his best assistance to instruct new counsel, and exercise as much supervision as possible over the matter of which he had made himself master. Again, if they turned the advocate into an agent and a bargainer, they must enable him to withdraw from the position in which he was now—bound to accept the first retainer—and must give him a choice, thus changing his whole character. When times of pressure came, eminent counsel and the attorneys would probably "contract themselves out" of the Bill altogether. Moreover, if they reduced the advocate to a position to which they ought not to reduce him without the strongest ground or without the clear proof that the Profession was rotten at the core, what were they to do in those cases where the Judges assigned counsel? Now, it was an honourable distinction to be assigned as counsel; but if barristers were to be

assigned as counsel with this millstone of liability hanging round their necks, they would have some hesitation in accepting the duty. Again, the Bill would have a crippling effect on the barrister. The case he had to conduct often turned out when in Court to be entirely different from what appeared on his brief, and counsel must use an almost unlimited discretion as to the course to be pursued. But how could he do that if he had sitting behind him an attorney who insisted on his calling this witness or that one, and who, if he refused, might hold him legally liable? And how, again, could a jury satisfactorily decide on a question as to how an advocate ought to have conducted a case in court? If counsel were under such pressure to attend to instructions, and were either to call or abstain from calling a particular witness in deference to them, they would often, and most unjustly, consign their clients to ruin. Being himself *emeritus*, the Bill did not affect him personally, but he thought it would alter the whole *status* and character of the English Bar, and make the English barrister different from the advocate of every other country. The French Bar and the Scotch were both free from this proposed liability. By imposing it on the English Bar they would not benefit the public, but would deprive the country of the inestimable advantage of having in its Courts men who could fearlessly, openly, and without dread assist the Judges in the administration of justice by speaking in the name and putting forth the strength of their great and honourable Profession. For these reasons he trusted that the House would negative a measure which would be destructive to the interests alike of the Bar and of the public.

MR. OSBORNE MORGAN said, he must tender his hearty thanks on behalf of the Bar to the right hon. Gentleman who had just sat down for his admirable speech, which showed that, although he had long ceased to practice in that Profession, he had not lost that honourable spirit of independence which was its pride and glory. For himself he was not there to justify such conduct as the hon. Member for Hull had described, and which, though it might assume the name of professional etiquette, he should call by an uglier name; but he would venture to assert that it was conduct of

but a very few persons. As to bargaining and haggling for fees—which the Bill would certainly not prevent, and as certainly encourage—all he could say was, that he knew absolutely nothing about it. He believed that 99 men out of 100 would argue a case quite as honestly for a fee of five guineas as for one of 500—the last thing a counsel looked at was the fee endorsed on the brief. He declined to accept compliments which had been offered to the Chancery Bar at the expense of the Common Law Bar, for the latter was quite as honourable and as right-minded as the former claimed to be. If the Bill passed, he believed the practice of advocacy would fall into the hands of men very different from those who now pursued it, for no barrister of ability would consent to conduct a case, without following the example said to be set by so many landlords in the case of the Agricultural Holdings (England) Act in contracting himself out of the operation of the Bill. The Profession of the Bar differed essentially from other professions. If a banker lost the securities or a carrier the luggage entrusted to him the person aggrieved could have his remedy, but when a barrister lost a case there were not the same means of judging whether the result was due to his negligence or not. The peculiar difficulties a barrister had to deal with were somewhat strikingly illustrated by a story told of an eminent counsel well known in his day as “Johnny Williams,” afterwards Mr. Justice Williams. While he was engaged in a murder case, his solicitor desired him to put a certain question to one of the witnesses who was under cross-examination. The question, Mr. Williams foresaw, might hang his client if answered in a particular way, and he accordingly refused to put it. Thereon the solicitor said that if counsel declined to put the question, the blood of his client would lie upon his head. Under this pressure, the counsel did what he was required to do, and the result was fatal. Then shutting up his brief, and turning to the solicitor, Mr. Williams said—“You have hanged my client. The best thing you can do now is to go home and hang yourself, and when you meet him ‘in another place,’ as you are sure to do, go down on your knees and beg his pardon.” That evils existed in connection with the Profes-

sion he did not deny, and he hoped the discussion which had taken place would tend to remedy them, but he did not think any good would be effected by the Bill.

MR. CHARLES LEWIS said, he trusted that, at all events, the result of this discussion would be that the Bar would not allow the present state of things to remain without a remedy. He begged the House to remember that the leading question before them was this—whether a professional man of high class ought to be allowed to retain, say, a fee of 100 guineas received by him for a given service, which he failed to perform. It was certainly most anomalous that any man should receive a large sum undertaking to perform a certain service in consideration, do nothing for it, and yet keep the money. Not one speaker on either side of the House who had opposed the Bill had ventured to take up the controversy on that particular issue or to point out what remedy an unfortunate client could have who had lost his money under such circumstances. The next question was this, What was there in the origin, the history, or the nature of the service rendered by a person called a barrister-at-law which exempted him from the operation of the ordinary principles of morality and fair dealing? If these questions were satisfactorily answered the members of the Bar, he admitted, would gain a great moral victory and exculpate their Profession from the stigma which attached to it on account of the conduct, not of all, but of a great many of their number. In introducing the Bill the hon. Member for Hull (Mr. Norwood) spoke with what he could not but call great moderation; for, unfortunately, it was the case that every solicitor of any experience in town or country had information in his office and had conducted cases illustrative of the dire and grave evils arising from the state of things which the Bill proposed to remedy. He might be thought to be speaking harshly, but it was the common experience of solicitors to resist and to quiet in the best way they could the complaints of clients who, through their instrumentality, had been made to pay heavy fees to barristers without receiving any service in return. It seemed to him the right hon. Gentleman who spoke from the Treasury bench (Mr. Hardy) did not meet the pinch

Mr. Osborne Morgan

of the case. What the supporters of the Bill complained of was the so-called etiquette of the Profession, which led men to think it consistent with honourable principles to retain money received by them for services which, from some cause or other, they failed to perform. He asked the House to recollect before rejecting the Bill that every line of it was open to such amendment as would prevent any substantial injustice being done, and that the state of things which it was designed to remedy conflicted with the first principles of morality and common honesty. The engagement between a barrister and his client was now substantially a bargain. Last year, in the course of the discussion on the Judicature Bill, he read a most remarkable correspondence, which was only typical of what occurred every day. ["No!"] Hon. Members who said "No" did not have to bear the brunt of the system. After a brief marked 20 or 30 guineas was delivered to a barrister, either on circuit, in the Court of Chancery, or in the Common Law Courts, it was a common thing for his clerk to come to the solicitor and say—"Counsel on the other side have had 20 guineas more than we have, and we expect an increase." ["No!"] Well, if hon. Members did not believe that statement they could let the Bill go before a Select Committee, where the truth of the matter would be ascertained. If he and those who agreed with him had an opportunity of proving the extent of the evils he had referred to, they would do it. In the correspondence he read last year, the clerk of a distinguished counsel, on the very evening before a particular case was to be heard, wrote to the solicitor concerned, stating that the fees on the other side were so much more than his, and insisting on getting an increase before the case was opened. No doubt they had to deal with an honourable Profession; but evils did exist in connection with it, and it was for the purpose of remedying those evils that the Bill was introduced. It was all very well to say that the public and the solicitors were to blame; that the tendency of people was to run after the most successful men in every Profession, and that solicitors were in the habit of sending their business to two or three particular sets of chambers. However true that observation might be, it furnished no argument against

legislative interference with a bad system, under which a poor man, fighting perhaps against a rich Company, was compelled to part with a large sum of money without receiving anything for it. If the House declined to consider that grievance on the mere and fallacious ground that it was within the power of the solicitors or the barristers themselves to remedy it, what might be expected to happen? Why, there was a preliminary discussion of the present question near the close of last Session in connection with the Judicature Bill, and during the nine months that had elapsed since then not the smallest attempt had been made to remedy the evils which admittedly existed. A meeting of Barristers was called to consider the provisions of the present Bill; but on the day appointed a notice appeared stating that the meeting was adjourned; and from that time not a single thing had been done or a suggestion made for remedying the evils complained of. He had hoped to hear of some steps being taken by the members of the Bar to exculpate their Profession, but he had been disappointed. And yet the House was told the remedy was so simple! If the practices complained of were confined to a few persons, why, he would ask, did not the Bar, as a body, stamp those practices out? Let hon. Members refer to their own experience on Private Bill Committees, and they would see the evil of the present system in full bloom and vigour. Things had got to such a pass that every Railway Company who came to that House retained two or three unnecessary counsel, and paid their fees day after day without getting any service in return, simply because of the pernicious practice which the Bill proposed to abolish. It was said the Bill would destroy the Bar; but the House had heard language of that kind before. Every interest which they attempted to reform used it. The Bill would destroy the Bar. By what? By making counsel return money which they had not earned? By rendering them responsible for so deserting cases as to involve their clients in disgrace and disaster? What! that destroy or bring dishonour on the Bar? Why, a man of honour felt bound to perform his contract if he could, or make amends if he could not, and to compensate his neighbour for any injury which through positive neglect he might

have done him ; yet they were told that the honourable Profession of the Bar would be disgraced by the liability to do what was right—for that was all which the Bill sought to impose on them. There was another aspect of the case, one which had been overlooked. A great evil in connection with the Bar was monopoly. Juniors, for the most part, had little or no chance of getting on, and nothing fostered that state of things more than the system which enabled solicitors—imprudently it might be—to shovel briefs into the hands of a few men, and which enabled those men to neglect them without feeling guilty of injustice. Now, if anything would tend to open up a career to young barristers, it would be a measure like the present, which would enforce the application of the ordinary rules of morality, and at the same time assist in the distribution of work at the Bar. As for the uncertain way in which cases came on for hearing in the Courts, the Judges, as soon as they knew that barristers were to be liable for neglect of duty, would take care to improve the arrangement, so that a man might not unexpectedly find himself called upon to be in two Courts at once. The Bar could remedy the evils he had complained of, and they had failed to do so. On behalf of unfortunate suitors who had over and over again suffered from dereliction of duty on the part of barristers, he asked the House seriously whether they would not at least open the door for a consideration of the question by allowing the Bill to be read a second time and to go before a Committee.

MR. HERSCHELL said, he thought this discussion would do good, if only by calling attention to existing evils and stirring up those who had the remedy in their hands—and they were not exclusively members of the Bar—to apply it. But he did not think the Bill so entirely in the interests of the public as had been represented. He believed the evils of which complaint was made might be remedied without the aid of the Bill, and without introducing the mischief which undoubtedly the Bill, if passed, would produce. No one could deny the justice of the broad principle that a man ought not to retain money received by him in respect of a certain service which he did not perform—and if a barrister took money and did nothing for it, yet kept it, he was doing that which was con-

trary to the first principles of morality. But if there were instances of that principle being violated at the Bar, he believed they were extremely rare. What was the contract between a barrister and his client? Was it that he should, in no matter what Court and under no matter what circumstances, be always present and conduct the case from beginning to end? He ventured to say that an attorney who delivered a brief to counsel knew perfectly well that counsel would not and could not enter into any such contract as that. When aspersions were thrown broadcast on the Profession to which he belonged, he might be excused for entering into details to show the real condition of the case. Let him put it in this way:—A brief was delivered with a small fee—as was not unfrequently the case—to a counsel, who attended in Court to watch it—attended, it might be, day after day—in order to be present when it came on. Yet it might happen that, perhaps after a dozen attendances, the counsel who had got up the case, at the moment it was called on was in another Court attending to another case. Was it to be supposed in such an instance the counsel had done nothing for his fee? He denied it. Of course, if the understanding were that when a counsel had taken a brief he absolutely pledged himself that he would be present and conduct it, the case would be different. But all he could say was that with the present scale of fees such an undertaking would be impossible. Under such a system it would become a matter of bargain, and the best assistance would go to the man who paid the highest fee. The utmost that could be done when a brief was taken was to give every possible care and attention to it, and if counsel found at the last moment that the cases would clash, he should make the best arrangement he could in the interest of his client. He deprecated taking a brief with no reasonable prospect of being able to conduct the case. A man who took a brief without a reasonable expectation of being able to do this did a dishonourable thing, and should be reprobated; and he hoped that it was exceptional in the Profession. If, however, he confined himself to taking the work which he had a reasonable prospect of doing, there could be no blame in that. The best thing for the client was that the responsibility

should be on the shoulders of counsel to make the best arrangements. He denied that the effect of the Bill would be to scatter the business, and give opportunities to young men fresh from the Universities. How were young men fresh from the Universities to get known to those who were to instruct them? The work would go in all probability to a man who had a brother, a father, or some other relative in the other branch of the Profession; and he ventured to say the only way almost in which a young man of ability and talent for the law, who had no influence, ever got into work, was by his merits becoming known to counsel, who in an emergency called for assistance, knowing what was in the young man on whom he called. As a general rule, if proper precaution was taken, the interest of the client was better served in this way than if the brief was given back and somebody else instructed at the last moment. The evil which did exist ought to be met; but he believed a great deal of the evil was due to the branch of the Profession to which the hon. and learned Member for Londonderry (Mr. C. Lewis) belonged. Why did not the attorney tell his client who wished to secure a fashionable counsel that he would obtain the chance of his services only. After that, of course, if the client was content to run that risk no one could be blamed. He believed, however, a great deal might be done to prevent the evil by a better arrangement of the business of the Courts; but he denied that the remedy was to be found in this Bill. It was a striking fact that in France, where there had been no sparing of law reforms, the same system practically existed as here, and the counsel was not responsible and could not sue for his fee. He did not want to say a word in favour of haggling for fees, but that evil would not be prevented by this Bill. If the Bill were passed a sentiment would grow up that, after all, the advocate was the agent of his client, to do his client's work, be it clean or dirty work. The House little knew the pressure that was now put on counsel to ask questions to gratify the malice of his client. Such questions might be asked without liability to an action of libel. It was essential, therefore, that the advocate should be kept to some extent independent of his client. And this would

be impossible if it were a mere matter of contract between them. Did they think they would have the Bar better fitted to perform its duties if they taught the Bar to think the first thing was to fulfil the contract with their client—to give five guineas' worth for five guineas? He did not think so; and he trusted the House would not assent to the second reading of the Bill. He believed it would sow the seeds of decay and degeneracy in the Bar, and the decay and degeneracy of the Profession would be a misfortune not so much to the Profession itself as to the country, which had relied, and would still have to rely, upon the fearless independence of the Profession, and upon its considering that there were duties higher and more important than the bare performance of a duty to a client.

THE ATTORNEY GENERAL said, the House would not consider it unreasonable that he should desire to say a few words on this Bill before the discussion came to a close. The hon. Member for Hull (Mr. Norwood) had opened the debate in a most courteous manner, and had shown himself thoroughly master of the subject; but he must say he admired the temper and tone and the ability of the speech of the hon. Gentleman much more than he admired his Bill. It had an air of suspicion about it. It offered a gift with one hand—the gift of being able to recover fees by legal process—but with the other hand it struck a fatal blow at what he believed was the independence of the Bar. The Bill would altogether destroy the relationship which now existed between barristers and their clients by making that relationship a mere contract. He did not deny that some of the complaints that had been made were founded on reason—various evils no doubt existed—some of them exceptional—which required a remedy. There had been in recent times, no doubt, a good many instances in which members of the Bar had taken more work than they could attend to; and he could not disguise from himself that there were cases in which eminent men had taken briefs—at the time thinking they would be able to attend to them, but who found afterwards that they could not do so—which they had not been able to attend to. What they ought to have done was to have returned the briefs and the fees. Haggling for fees was also an-

other evil which was unquestionable, and which ought to be deprecated. He must say, however, that in cases where briefs were accepted without a fair prospect of their being attended to by the counsel by whom they were accepted, the barrister was not solely and wholly to blame. But then the question came—how were these evils to be dealt with so as to remove the existing reproach? He had listened with some surprise to the somewhat bitter speech which the hon. and learned Member for Londonderry had thought fit to make. He (Mr. C. Lewis) represented the other branch of the Profession, equally honourable with that to which he (the Attorney General) belonged. It was all very well for his hon. and learned Friend to decry the practice of retaining celebrated barristers for causes when there was very little chance of their appearing. The fault, however, as had been abundantly pointed out, by no means rested exclusively with the barrister—the solicitor had to share the blame of the matter. The moment a case was ripe for trial the solicitor rushed off to a counsel of eminence and engaged his services, knowing perfectly well, he would venture to say, in nine cases out of ten that all he could expect was a mere chance of the advocate being able to attend to the brief. Sometimes eminent barristers found themselves forced to accept briefs in spite of their own self-consciousness that they would not be able to appear to plead the case. Often a brief was given simply in order to insure that the counsel would not be engaged on the other side. Why was this done? It was done for the protection of the solicitors who, if anything went wrong, could go to his client and say—“You must not blame me; I employed Mr. So-and-So. He was the most eminent counsel I could get. I did the very utmost for you.” Do not let them, then, be indiscriminate in attaching blame to the Bar alone. And while he did not wish to justify all that was done, he hardly thought the accusation came with a good grace from the members of the other branch of the Profession. What was the remedy for the evils which were admitted? The present Bill seemed to him to offer a very inadequate remedy—in fact, to be no remedy at all. The chief complaint was that members of the Bar accepted work which they could not attend to. Certainly the remedy lay

with those by whom they were instructed. It was not absolutely necessary that a solicitor should hand all his briefs to one advocate. There were scores of advocates of equal eminence to whom the briefs might be given. With regard to the other, and he ventured to say, greater evil—the practice, which was alleged to prevail, but which he did not believe prevailed to any great extent, of requiring higher fees because the other side had higher fees—that was a matter which was contrary to professional etiquette, and if it were brought before those who had to a certain extent control of the Bar, it would be inquired into, and would be put a stop to. He believed the Bill would inevitably destroy the fearless independence and the usefulness of the Bar. A barrister was a man who ought not only to have a considerable knowledge of law, as well as a knowledge of the business of life, but he must be cautious and prudent, and, if occasion required it, bold and adventurous. It was, above all, necessary that he should be cool and self-possessed. The qualities, indeed, with which an advocate ought to be endowed were not very different from those which ought to be found in a General; and he should be capable of throwing over at a moment's notice a pre-arranged mode of conducting his case, and, if requisite, of disregarding his instructions. In scores of instances advocates had won causes by the adoption of such a course. But while that was so, an advocate could not afford to lose sight of his own interest and the interest of those who were dependent on him. He could not always avoid seeing his children in his brief. Well, now-a-days he might adopt the course which he deemed to be most conducive to the interests of his client, and with that view might disregard the instructions of his solicitor—the consequence being that he often succeeded. But if the present Bill were to pass into law, and he took that course, he might find himself involved in a responsibility which would lead to his ruin. If, disregarding his instructions, he were unsuccessful in his case, the result might be that an action would be brought against him which might succeed; and which, even if it did not, might still damage his reputation. Was it fair that he should be placed in such a position? Would it be any advantage to the public that he should be? Well,

again, if the Bill passed, and a barrister was obliged to attend to a case from the beginning to the end, a man of large practice might say he could not afford to do that, and that, although he had been offered a handsome fee, he would be precluded from earning a larger sum in the conduct of other business. The consequence would be likely to be a ruinous bargain for the client; for he might have, in order to secure the services of that barrister, to pay that larger amount. He was of opinion, therefore, that the Bill, in the interests of the public, was not a wise measure, and the House might rest assured that, even without regarding anything but his own interests, an advocate once engaged in a case would bring to bear upon it his whole powers; while he thought he might claim for the Bar that it had always been an honourable Profession, whose members, in the discharge of their duties, were actuated by higher motives. He hoped, therefore, the Bill would be rejected, feeling satisfied, as he did, that its passing would be the death-knell of the independence by which the Profession had hitherto been distinguished.

MR. NORWOOD, in reply, said, he did not blame hon. and learned Gentlemen for the course they had taken in the defence of their professional interests; but he could not, notwithstanding what the hon. and learned Attorney General had said, withdraw the Bill. He had received no assurance that the matter would be promptly taken up by the Bar itself, and he was therefore compelled to obtain the sense of the House, and if the House consented to the second reading of the Bill, he had no objection to its going upstairs to a Select Committee; but he would take his stand on his Motion for the second reading, and while he did not pledge himself to details, he yet thought the question a most important one, and he would divide the House upon it.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 130; Noes 237: Majority 107.

Words added.

Main Question, as amended, put, and agreed to.

Second Reading put off for six months.

LOCAL GOVERNMENT PROVISIONAL ORDERS, BRISTOL, &C. (NO. 6) BILL.

On Motion of Mr. SALT, Bill to confirm certain Provisional Orders of the Local Government Board relating to the city of Bristol, the district of Burslem, the borough of Huntingdon (two), the district of Newton in Makerfield, and the boroughs of Preston and Ryde, ordered to be brought in by Mr. SALT and Mr. SCLATER-BOOTH.

Bill presented, and read the first time. [Bill 147.]

House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, 11th May, 1876.

MINUTES.]—PUBLIC BILLS—*First Reading*—Chelsea Hospital Accounts* (81); Statute Law Revision (Substituted Enactments)* (82).

Second Reading—Partition Act (1868) Amendment* (38).

Third Reading—Agricultural Holdings (Scotland) (44); All Saints, Moss* (70); Local Government Provisional Orders (Nos. 2 and 3)* (62-63).

AGRICULTURAL HOLDINGS (SCOTLAND) BILL—(No. 44).

(The Lord President.)

THIRD READING.

Bill read 3^a (according to Order).

THE DUKE OF RICHMOND AND GORDON said, that in order to meet the views of his noble Friend the noble Duke opposite (the Duke of Argyll), who thought it was not advisable that the Inclosure Commissioners of England should be the authority to appoint the oversman, he proposed that the following clause should be substituted for the 23rd clause:—

"Provided that where two referees are appointed an oversman may be appointed by the sheriff as follows: If either party on appointing a referee requires by notice in writing to the other party that the oversman shall be appointed by the sheriff, then, unless the other party dissents by notice in writing therefrom, the oversman and any successor to him, shall, on the application of either party, be so appointed."

At the same time he must explain that the Inclosure Commissioners were already operating in Scotland in the matter of drainage, and had a large number of Inspectors there; but he had no objec-

tion to substitute the Sheriff for them for the purposes of this Bill. He wished further to explain, in reference to a point to which the noble Earl (the Earl of Airlie) had called attention in the Committee, that the letting of grass lands was not included in the Bill.

Amendment made; Bill *passed*, and sent to the Commons.

NATIONAL SCHOOL TEACHERS (IRELAND) ACT, 1875.

OBSERVATIONS. QUESTION.

THE EARL OF DONOUGHMORE: My Lords, in the few remarks I wish to make before putting the Question I have placed upon the Notice Paper, I shall ask your Lordships to consider not only what the operation of this Act has been up to the present time, but what it may be expected to be in the future. There are three points established by this Return which I hold in my hand—to which I wish particularly to draw attention—first, that 65 Unions have contributed, 98 refused; secondly, that out of the entire number 44 are in Ulster, of whom 35 have contributed, and 9 refused; and, thirdly (and this has been used as an argument to denote the success of the scheme), that the rateable value of the contributory Unions exceeds by some £600,000 that of the non-contributory. Now, my Lords, I ventured to predict last year, that this voluntary rate would not recommend itself to Boards of Guardians generally, and it seems that up to the present time that prediction has proved true. Every Board of Guardians that refused to contribute in September has had an opportunity of re-considering its decision, and I very much doubt—but speak under correction—whether it will be possible to point out a single instance in which a decision of non-contribution arrived at in September was reversed in January. At all events, not one half of the Unions have put themselves under contribution. Again, if we are to judge of the success of the scheme by the numbers who adopt it, we cannot do so fairly unless we take into consideration the results in separate Provinces. Ulster came forward, and adopted the scheme in 4 out of every 5 Unions. But how about the rest of Ireland? Leinster is the best—1 in 3; Munster something less than 1 in

4; and Connaught 1 in 10, or 30 Unions out of 119 altogether; and further, among the very 65 Unions that did contribute, at no less than 23 of them resolutions were proposed hostile to the scheme—in 16 such resolutions were actually passed. They most of them stated disapproval of the principles of the Act, but for the sake of the teachers consented to avail themselves of it for one year. Then with regard to valuation, I confess I fail to see that the excess in the case of contributory Unions speaks very favourably—in fact, it seems to me rather the contrary. Let us look at the acreage in each case, and we shall find in round numbers that out of 20,400,000 acres, 12,700,000 are not under contribution, 7,700,000 are. Now, my Lords, at one time I was of opinion that to make this Act compulsory would have been a satisfactory solution of this difficulty, but I am bound to say that I hold to that opinion no longer. The inequality of the rate would be a manifest injustice on poor Unions, where the population is scattered and schools abound. My noble Friend the noble Marquess opposite will bear me out with regard to the County of Kerry. There, the only Union that contributes is saddled with 5½*d.* in the pound, and none of the others in the county have come forward. But look at the valuation of these Unions—Caherciveen, the contributory one, is valued at about 2*s.* 2*d.* an acre; Dingle, 3*s.* 9*d.*; Kenmare, 1*s.* 4*d.*, while not a single Union in the county reaches 8*s.* And there are many similar cases in other parts of Ireland. This question of a high rate has in many cases deterred Unions from contributing. It has influenced Boards of Guardians up till now, and it is an objection time is not likely to do away with. I contend, therefore, my Lords, that this difference in rating value speaks rather against than for the success of the scheme, the richer Unions having come forward, and the poorer held aloof. This is, then, my Lords, what we have to show the success of the scheme up till now. We have less than half the Unions contributing in the whole of Ireland, only one fourth in what may be called Catholic Ireland as opposed to Protestant Ulster, and a number of those that have contributed, expressing opinions unfavourable to the Act. Now, as to the future. I have already raised the objection as to the

inequality of the present rate, and the circumstances by which it is brought about, and have attempted to point out, that is an objection which we can hardly hope to overcome. We heard a good deal last year about the force of example in this matter, how that when non-contributory Unions saw how the system worked with their neighbours, they would imitate them. Now, my Lords, I have pointed out that Ulster is the Province where the Act has met with especial favour, and I must confess with regret, that the fact of that Province having largely availed itself of the facilities under the Act, is hardly a criterion for the rest of the country doing likewise. We have had, I believe, no instance yet of any change of opinion in the desired direction, nor have we had an opportunity of witnessing any "relapses" that may take place among Unions that were originally under contribution. That such relapses are contemplated in some cases, I have no doubt, and I can bear witness to a notice of motion appearing in one Union in which I am interested, and which is now returned as contributory. That notice of motion appeared early this year, but was postponed on the representation of the Local Government Board that were it passed, it would not come into operation till 1877. It may be said that time will work wonders, but we have here sure indication of the feeling that prevails on the matter, and the time must be very far distant if it will ever arrive, when this Act will become what I maintain any scheme dealing with this question should be to be of value—universal throughout Ireland. And in the meantime what goes on? In addressing your Lordships last year upon this question, I ventured to lay stress on what seemed to me the most serious objection to the scheme—that it would give rise to sectarian discussion, and cause acrimonious disputes, which would eventually re-act harmfully upon the entire system of national education. Last year the noble Lord opposite did not believe that these "faction fights," as he called them, would ensue; but surely he is not prepared now to deny that they have. Look at a resolution passed by the Union of Ardee on the 28th of September, 1875—

"We refuse a voluntary contribution in support of a system of education that is anti-national, that has been so strongly condemned by

the Irish hierarchy, and is forced on the country, notwithstanding the demands of the vast majority of the Irish people for denominational education."

There are resolutions breathing a similar spirit, though less violently worded, in the Appendix to this Return. I myself assisted in a debate where the National system was attacked on sectarian grounds, and what I am most anxious to impress upon your Lordships is—that as long as this system remains in force, you run the risk of a yearly revival of these discussions in every non-contributory Board of Guardians in Ireland. My Lords, I have a very lively appreciation of that risk. The National system has proved itself, from the manner in which it has overcome many and great difficulties, to be eminently suited to Ireland. But it is not yet safe from its enemies, and it would be very much to be deplored, and the consequence would be very serious, if any hesitation in dealing with this recognized grievance were to cause it to fall in the estimation of the Irish people. And for what are we running the risk? For the sake of a scheme that satisfies nobody whom it affects. It does not please the teachers, because it does not touch them all equally, but makes the majority of them, poor as they were before, worse off still. It does not please the ratepayers, for not one-half of the Unions have adopted it. Nor does it please the landlords of Ireland, if we are to form an opinion from the division that took place in your Lordships' House last year. The landlords have done their duty well, and have supported the system for the sake of the teachers, even though in many cases it may have been against their opinion to do so. It has had a fair trial, but it has failed—or, at all events, its chances of success are so small and so remote as not to justify its further existence in the face of the dissatisfaction and risk that attend it. The Chief Secretary to the Lord Lieutenant acknowledged the other night that—"He felt something required to be done." All I hope is that Her Majesty's Government will to-night confirm that acknowledgment, and will tell us that that something will be done quickly. In the debate upon this question in the House of Commons, to which I alluded, various suggestions were put forward, and to one the Chief Secretary appeared to lean,

I do not desire, however, to occupy your Lordships' time by discussing alternative schemes; I merely desire in conclusion to express a hope that Her Majesty's Government—this Session, if possible—if not, early in the next, will bring forward some proposal which will effectually set this vexed question at rest. The noble Earl concluded by asking Her Majesty's Government, If they intend to take any further steps in the matter of the salaries of Irish National School-teachers?

THE MARQUESS OF LANSDOWNE said, that as far as the Bill of last year was concerned he wished to speak of it in terms of great commendation. He thought it was a wise measure, inasmuch as it proceeded on the assumption, first, that payment by results was the best way of increasing the salaries of these teachers; and secondly, that the best claim which a district could establish for aid from the Government was the fact of its having made some effort to help itself. He thought this principle was of special importance in Ireland, in which country there existed a somewhat inordinate desire to rely upon assistance from the Imperial Exchequer. For his own part, whenever such demands were preferred, he always bore in mind that whereas the population of Ireland was one-fifth that of England, the sum contributed by the Imperial Exchequer towards local objects in Ireland was no less than half the sum contributed in England. He thought, therefore, that the Act was much to be commended, because it provided that any increase which might be given from the Imperial Exchequer towards the fees receivable by those schoolmasters should be supplemented by contributions from the localities. He hoped, however, their Lordships would not suppose that he underrated the importance of raising the salaries of the National school teachers, for it was of the very highest importance that the children in the different localities should be educated by men who were loyal, and who entertained a kindly affection for the Government of the country. How far, then, had the Act of last year been successful in rendering the teachers more contented? In the Unions which had become contributory they had, after a fierce struggle, obtained an increase of their salaries—a distinct

warning being given to them, however, in many Unions that the concession was only to be regarded as a temporary one. In the non-contributory Unions the position of the school teachers was one of real hardship. They were performing the same duties which they had discharged previously to the passing of the Act, but in consequence of that legislation they were deprived of about one-third of their result fees. The natural result was that the teachers were discontented with the Guardians, and, also, he was afraid, with the Imperial Government. He hoped Her Majesty's Government would take steps to remedy this unsatisfactory state of things. The refusal of the Unions to contribute to the salaries of the teachers was in some instances justified on the plea of poverty. He had the misfortune to live in a Union where a rate of 6*d.* in the pound would be required to provide the necessary sum—and the rates in that Union already amounted to 5*s.* in the pound; so that in that case he did not think the Guardians could be censured for refusing to contribute. On the other hand, there were many cases in which poverty could not justly be pleaded. In 37 of the Unions which had refused to contribute, a rate of 1*d.* in the pound, and in 76 others a rate of 2*d.* or less, would have sufficed. Then there was the contention that the incidence of this tax was unfair, as it fell solely upon the owners and occupiers of land: but this could hardly be alleged when it was remembered that general taxation already contributed 86 per cent of the cost of National education in Ireland. What, then, was the real reason of the refusal of many Unions to contribute? The general belief was that it was due to the opposition of the Roman Catholic hierarchy to the National system. No doubt any Government was bound to pay some respect to the opinions of those who differed from them upon a question of this nature; but their Lordships should not forget that it was vain to hope to conciliate an opposition of this kind. In spite of it the National system had thriven, and it was the duty of the Government to continue and to carry out a policy which had, on the whole, met with considerable support in the country, and which Parliament had on many occasions approved. He must express a hope that in addition to the question

of remuneration the Government would deal with the not less important question of training. Out of 10,000 teachers 6,000 received no training at all—and this in defiance of the fact that part of the original scheme of the late Lord Derby was that every teacher should undergo a 12 month's course of training, and that the Royal Commission urged upon the Government that not less than 12 months' training was necessary for National school teachers. He hoped that Her Majesty's Government would give to the House a satisfactory assurance on this subject.

THE DUKE OF RICHMOND AND GORDON said, Her Majesty's Government had no cause to complain of his noble Friend for having brought forward the subject now under discussion, nor for the manner in which he introduced it to their Lordships' notice. The noble Lord was perfectly competent to deal with this subject, having paid very considerable attention to it; if he had not a theoretical he had at least a practical knowledge of the working of the Act in Ireland. On this subject there existed a state of things which did not always occur in that House—namely, that all their Lordships were agreed as to the desirability of improving the education of Ireland. In order to do that, it was necessary to improve the condition and status of the teachers, so as to induce the best persons to take those appointments. That was a truism equally applicable to England; and they, in England, as the progress of education had gone on in this country, had experienced great difficulty in obtaining schoolmasters, unless very considerable additions were made from time to time to the salaries which they received. The object of Her Majesty's Government was, if possible, and always had been, to improve the condition of the teachers in Ireland. They had shown their desire to do so by the measure which they introduced and carried last year. By that measure they hoped to remedy at all events some, if not all, the grievances which were said to exist; that by that legislation they would be able to remove the grounds of complaint in a great part of that country. He did not look upon the working of the Act as so bad as his noble Friend behind him seemed to do; but, at the same time, it would not be altogether honest if he were to say that

the Government were satisfied with the results, especially as they had hoped that the greater part of the country would have availed themselves of the opportunity which the Act afforded. On the other hand, it must be remembered that among the 70 Unions which had become contributory under the Act, thus adding to the salaries and position of the teachers, were some of the most important communities in Ireland—Dublin, Cork, Waterford, and Belfast—and that the sums given to the teachers by means of those contributory Unions was no less than £128,000. No doubt up to the passing of this Act the state of things which prevailed was anything but satisfactory. The amount in 1868 of State aid was £270,000, whereas the local contributions were only £56,000. In 1874 the amount of State aid was £274,000, and of local contributions £70,000. No doubt that was a very unsatisfactory state of things, and it was hoped that the country would come forward and meet in a fair, generous spirit the money which was given by the Imperial Exchequer if this Act was passed. He could not quite agree with the statement of the noble Marquess (the Marquess of Lansdowne), that the position of the teachers in the non-contributory Unions was worse than it was before. They were not in as good a position as the teachers in the contributory Unions; but to some extent their position was improved, for the amount they received was somewhat larger than it was before, and they were paid by salary, instead of by results, an alteration which met one of their complaints. He had said that the Government were not altogether satisfied with the results of the Act of 1875, and they were now considering what steps could be taken with a view to arrive at a more satisfactory state of things. At the same time, the subject was by no means an easy one. His noble Friend (the Earl of Donoughmore) said, that whatever arrangements were made with respect to teachers should be universal throughout Ireland. Of course this end might be arrived at, if the Government substituted for the present voluntary rate a compulsory rate to be levied all over Ireland. But his noble Friend objected to such a change, and thus the difficulty of dealing with the question was seen. Another course was shadowed forth by the Chief Secretary

for Ireland—namely, to assimilate the Irish system more closely to the English system, where the grants were made according to results and depended very much upon local exertions. No one could wish to perpetuate a system which was the cause of sectarian disputes, and legislation which conduced to strife could not be regarded as satisfactory. The attention of the Government had been and would be directed to this matter. He did not say with confidence that they would be able to devise a remedy; but an effort would be made to meet the difficulty, and meanwhile he thought that the legislation of last year might be looked upon as a step in the right direction.

THE MARQUESS OF LANSDOWNE desired to explain what he said with reference to non-contributory Unions. Taking the case of a teacher who before the passing of the Act had been paid £20 as result fees, he believed that after the passing of the Act, if the Union became contributory, that teacher would receive £10 result fees, £10 from Government, and £10 from the Union. If however the Union declined to contribute, then he only got £10, instead of the £20 received before the passing of the Act.

THE EARL OF BELMORE said, there was one point which had so far been overlooked in the discussion—the payment of the school fees. The teachers were naturally unwilling to enforce the payment of those fees, because the attendances would thereby fall off, and so payments by results would be diminished; and consequently in his Union a resolution had been passed depreciating the enforcement of rates until the school fees were paid. There was another point, which was whether the present machinery of national education under the Board as at present constituted was good. He must confess, notwithstanding the eminence both in Church and State of many persons on the National School Board, he thought an unpaid body very irregular in attendance and which left the working of the machinery in the hands of one or two persons was not well qualified to discharge the duties. He would very much prefer something like the system adopted in this country, where Education was placed under the charge of a Minister.

LORD EMLY said, he believed that nothing would be more unfortunate than

any attempt to subvert the representative Board—a body which represented different interests in different places—at present existing in Ireland. He knew persons in England of the highest authority on the question of Education who held that opinion. With regard to school fees he was of opinion that if the noble Duke could induce the Irish Government to follow the lines laid down by the Royal Commission, and to which he had referred in terms of approbation—namely, that of proportioning the Government grant to the amount raised by the locality, those fees would increase enormously, because it would be the interest of the managers to look after them, since an increase in the local contributions was to be followed by contributions of the Government to an equal amount. This would give ample means for paying the teachers adequate salaries. There was another point which had been overlooked, and which was of importance—namely, that persons contributing to the support of schools ought to have a voice in their management. His noble Friend near him (Lord Carlingford) brought forward last year a scheme for the training of schoolmasters; but Her Majesty's Government were not inclined to accept it. To make the system of education acceptable to the people of Ireland, we must give them trained schoolmasters not inferior to those of England and Scotland. We could not require contributions unless we improved the education given to the people.

LORD ORANMORE AND BROWNE said, that the result of adopting the recommendations of the Commission to which the noble Lord (Lord Emly) had referred would be to turn the national into a denominational system. The whole training of the schoolmasters would be thrown into the hands of the Roman Catholic clergy. The noble Lord would have the whole system of training put into the hands of Roman Catholic Bodies.

LORD EMLY: I never said a word about Roman Catholic Bodies.

LORD ORANMORE AND BROWNE: The noble Lord might not have named the Roman Catholic Bodies; but the convents and monasteries were the Bodies through which many teachers were now trained; and were those through whom he asked they should be trained, on a much more-extensive scale,

and with additional subsidies from the State. The great objection which Poor Law Guardians had to contribute was, that as they had been in the habit of having the whole expenses of the National system defrayed by the State, they did not wish to have anything to pay. Besides, they thought that might be only the beginning, and that they might by-and-by have to pay the same share towards Education in Ireland as was paid in England.

LORD CARLINGFORD said, what he had contended for all along was that the system which prevailed in this country should be tried in Ireland—namely, that the State should, under rules and regulations, no matter how severe as regarded secular education and results, extend the same liberal support which it gave in this country to training schools founded and maintained by private persons. That such schools would be supported by the several religious denominations he did not for a moment deny; it was idle to suppose that those who subscribed for the promotion of such institutions would not manage them according to their own religious views, so far as religious teaching was concerned. But the noble Lord who had just spoken (Lord Oranmore) had one rule for this side of the Channel and another for the other. The noble Lord's views would hardly recommend themselves to the Irish people, because they considered that what was good for one country was good for the other. If training schools could be maintained and aided in this country under rules and regulations laid down by the Government, the Irish people naturally felt it difficult to see why such training schools should not, under the same regulations, be maintained and aided in Ireland. He had supported the Bill of last Session, because he thought the Government were right in making an attempt to obtain some increased support for national education in Ireland from Irish sources without surrendering that reasonable amount of control over the education of the country which the State now possessed. He readily admitted that it was a difficult task; but there could be no doubt or question that the localities themselves should contribute towards the payment of the teachers in the schools provided for their benefit. He was glad, however, to find that the Government

did not accept the results of the Act of last year as satisfactory. It was plain that the present system could not last, and he looked forward with great interest to the time when they would inform the House what steps they meant to take in order to put the matter on a more satisfactory and permanent footing.

THE EARL OF POWIS regretted that so small an amount as that which had been stated had been contributed by the different Unions. He believed indeed that out of the £60,000 put down as the whole sum of the voluntary contributions, upwards of £48,000 had been contributed by children's pence, leaving only about £14,000 as representing voluntary subscriptions; and he asked what would be the condition of the voluntary schools in England if no larger contribution were made by way of annual subscription for them? He also deprecated the creation of a number of small schools in Ireland for which there could be found no efficient teachers, and thought that if the contributions from the Government were in some way made dependent on educational results it would tend to check the multiplication of schools in unduly small districts.

In reply to the MARQUESS OF LANS-
DOWN,

THE DUKE OF RICHMOND AND GORDON explained that the additions made upon the whole of the salaries of the teachers in contributory parishes were more than equivalent to the losses which were sustained in parishes which were non-contributory.

H.R.H. THE PRINCE OF WALES— NOBILITY OF MALTA.—QUESTION.

VISCOUNT SIDMOUTH asked the Secretary of State for the Colonies, Whether any correspondence has passed through the Colonial Office in reference to certain grievances complained of by the Nobility of Malta on the occasion of the recent visit of H.R.H. the Prince of Wales to that island? They complained that the Governor had prevented their presenting an Address to His Royal Highness as a separate body, and that therefore they had to go with the rest of the inhabitants of the island. The Nobility of Malta was a very ancient class. Although they had no legislative powers they had certain rights and privileges of which they were naturally

jealous, and this of addressing the Throne separately they considered as one of their rights. They had always been a separate body, and were members of some of the best Neapolitan and Sicilian families. He had the honour of being personally acquainted with many of its members, and he thought it would be a great pity if any Government should pass a slight on so cultivated a body of men, and a body who were so thoroughly attached to the English rule. He hoped, therefore, his noble Friend would be enabled to inform the House whether it was true that they had been refused permission to present an Address to the Prince, as was stated, or what grounds there were for the slight which they seemed to think had been put upon them?

THE EARL OF CARNARVON said, his answer to the Question of his noble Friend must necessarily be very brief, because he had no information, official or private, on the subject to which it related. He had seen a copy of a newspaper in which complaint was made that the Nobles of Malta on the occasion of His Royal Highness's visit to that island had not received that attention which they considered to be their due—that was a paragraph in the newspaper to the end of which was attached the signature of the Secretary of the Association of Noblemen of Malta. Whether the facts were as there stated he had no official means of knowing. He might, however, mention, which he did officially, that whereas in other Colonies which His Royal Highness had visited his reception was provided for out of the public exchequer and under the sanction and arrangement of the public authorities, in Malta it had been very much matter of private management—which might possibly afford some clue to the complaint now made. Nowhere had any difficulty or hitch occurred in the arrangements connected with the Prince's tour, and certainly Malta was no exception, and it was to be regretted that a single place or class should consider themselves aggrieved by any arrangements made by the local authorities. He could not believe that any slight was designed by the Governor or local authorities, who had every desire to respect the feelings of the population of Malta; and he trusted that when the matter came to be

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further looked into it would be seen that really there was no cause to complain, and certainly no desire to inflict the smallest slight on any particular body.

STATUTE LAW REVISION (SUBSTITUTED ENACTMENTS) BILL [H.L.]

A Bill to facilitate the revision of the Statute Law by substituting in certain Acts incorporating enactments which have been otherwise repealed a reference to recent enactments still in force—Was presented by The LORD CHANCELLOR; read 1^a. (No. 82.)

House adjourned at half past Six o'clock.
till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Thursday, 11th May, 1876.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Salmon Fishery (Provisional Order) * [110]. Considered as amended—Local Government Provisional Orders, Briton Ferry, &c. (No. 4) * [134]; Local Government Provisional Order, Skelmersdale (No. 5) * [135].

METROPOLITAN STREET IMPROVEMENTS ACT, 1872—CLAUSE 49.

QUESTION.

MR. KAY-SHUTTLEWORTH asked the honourable and gallant Member for Truro, What has been the cause of the delay in preparing the plots set apart by Clause 49 of "The Metropolitan Street Improvements Act, 1872," for the erection of dwelling-houses for the working and poorer classes; and, how soon the Metropolitan Board of Works will be able to sell or let these plots for the said purpose?

SIR JAMES HOGG: In answer to my hon. Friend I beg to inform him that the delay to which he refers has been caused by the terms of the 49th section of the Act of Parliament, which prevents the Secretary of State from exercising his powers with regard to the plots in question. Parliament has been asked to amend the Act in this respect during the present Session, and I hope the Board will soon be in a position to advertise for letting two plots in Liquorpond Street and Willow Walk.

WEST INDIES—ISLAND OF ST. VINCENT.—QUESTION.

MR. ERRINGTON asked the Under Secretary of State for the Colonies, If he can state whether the Lieut.-Governor of St. Vincent, during the month of February 1876, paid a considerable sum of money out of the public funds of the Colony for the costs of the plaintiff in the Chancery suit of *Donnelly v. Gumbs*, a private suit in which the public had no interest, and in which the Chief Justice of the Colony dismissed the claim as entirely unfounded; and, whether the Auditor General of the Colony refused to pass the payment; and, if so, whether the payment was made by special sanction of the Secretary of State, or in virtue of some general power in enabling Governors of West Indian Colonies to make such payments without legislative authority; and in the latter case, whether such power will continue to be exercised?

MR. J. LOWTHER, in reply, said, that no information had been received with reference to the subject referred to, and it would be necessary to refer to the colony before he could give any answer to the Question.

EGYPT—MR. RIVERS WILSON—EGYPTIAN FINANCE.—QUESTION.

SIR GEORGE CAMPBELL asked Mr. Chancellor of the Exchequer, Whether Mr. Rivers Wilson is or is not still in the Civil Service of Her Majesty; whether he has accepted office under the Khedive of Egypt; whether any person has been designated or recommended by Her Majesty's Government who is to be appointed by the Khedive to superintend the payment of the Egyptian debt, and whether the Government have any information that any person has been so designated or recommended by any Foreign Government; whether by any and what arrangement a portion of the founders' shares of the Suez Canal have been placed at the disposal of the British Government; and, when he will bring forward the Vote for the expense of Mr. Cave's mission, and give the House an opportunity of discussing the subject of that mission?

THE CHANCELLOR OF THE EXCHEQUER: Mr. Rivers Wilson went out

to Egypt about two months ago on leave of absence, with the understanding that if he should take service under the Khedive of Egypt he would resign his appointment in the Civil Service of Her Majesty. We are not informed as to the determination of Mr. Rivers Wilson; but as the time of his leave of absence has now very nearly expired, we shall very shortly know the conclusion at which he has arrived as to taking service under the Khedive. No person has been designated or recommended by Her Majesty's Government to be appointed by the Khedive to superintend the payment of the Egyptian debt, and I am not in a position to state what arrangement has been made or is in contemplation between the Government of Egypt and any foreign Governments. In answer to the second Question, I may say that no arrangement has been made with regard to the Founders' shares in the Suez Canal; and with regard to the last Question I may state that we expect very shortly to be in a position to lay Papers on the Table of the House explanatory of what has recently occurred, and when these Papers are in the hands of hon. Members Her Majesty's Government will be in a position to move a Vote for the expenses of Mr. Cave's mission. There will then be an opportunity of discussing the whole question.

ROADS AND BRIDGES (SCOTLAND) BILL. QUESTION.

MR. DALRYMPLE (for Sir ROBERT ANSTRUTHER) asked the Secretary of State for the Home Department, Whether, considering the interest that is manifested in Scotland in the Roads and Bridges (Scotland) Bill, he can arrange to fix an early day and hour for the Second Reading of the measure?

MR. ASSHETON CROSS, in reply, said, the measure was brought in at a time which would give an opportunity for its proposals to be discussed at the annual meetings in Scotland before the second reading was taken. Those meetings had been held; but he had not as yet received any communications as to the result of the meetings. As soon as he had information on the subject he would fix a day for the second reading.

COMMERCIAL TREATY WITH ITALY—MALTA.—QUESTION.

MR. POTTER asked the Under Secretary of State for the Colonies, Whether, in case of the renewal of the Commercial Treaty with Italy, the Government intend to lower the high duties levied on imports of food into the Island of Malta, and to adopt a tariff more in conformity with the principles of free trade?

MR. J. LOWTHER: Considerable difficulty has been experienced in raising an adequate revenue in Malta, which island, it must not be forgotten, is an important fortress as well as a colony. I am led to believe that no new taxation could well be substituted for the duty on grain, to which the inhabitants are accustomed, and which does not press heavily upon them. This tax is, moreover, in accordance with the views of the Colonial Legislature, to which, upon a local fiscal question especially, it would naturally be the wish of Her Majesty's Government to defer as far as possible.

MR. POTTER gave Notice that in consequence of the reply of the hon. Member he should take an early opportunity of bringing the question before the House.

THE WINDWARD ISLANDS—REPORTED DISTURBANCES.—QUESTIONS.

MR. THORNHILL asked the Under Secretary of State for the Colonies, Whether he has any further information to communicate to the House respecting the state of affairs in the Windward Islands?

MR. WAIT asked the Under Secretary of State for the Colonies, Whether Lord Carnarvon has received any reply to his telegram for information respecting the rioting in the Island of Tobago; and, whether he has any further communication to make to the House on the subject?

MR. J. LOWTHER: As far as the Island of Barbadoes is concerned we hear of no further disorders. With regard to Tobago, a telegram received this morning from Governor Hennessy reports that, according to information received by him from the Lieutenant Governor the rioting had been confined to one plantation only; that a woman had been killed by a policeman, who had been subsequently assailed by the mob and had since died of injuries received.

Order had been completely restored, and the Lieutenant Governor had no apprehensions of any further disturbances.

MERCANTILE MARINE—THE "LOCKESLY HALL."—QUESTION.

MR. MUNTZ asked Mr. Attorney General in reference to the sentence of Mr. Paget at the Thames Police Court on the Captain of the ship "Lockesly Hall, Whether the Captain acted legally or illegally in confining and putting in irons the mutinous seaman who refused to do his duty when required?

THE ATTORNEY GENERAL: If I felt myself at liberty to answer the Question put to me by the hon. Gentleman I could not do so absolutely, for the legality or illegality of a captain's conduct does not depend upon any hard or fast rule, but upon the special circumstances which prevailed at the time he committed the act alleged to be wrongful. I must say, however, that by the Common Law all mariners on board ship are bound to obey the master's commands in all lawful matters relating to the navigation of the vessel and the preservation of good order; and in case of disobedience or disorderly conduct of any member of the crew, the captain may correct him in a reasonable manner. In my opinion it would in many cases be quite reasonable for the master of a ship to correct a seaman by putting him in irons, and keeping him in irons for some time. In all instances, the question must be whether the punishment inflicted by the master was excessive; and, in dealing with this question, it should always be borne in mind that as the captain is responsible for the safety of the ship, and for the lives of those on board, it is frequently absolutely necessary for him to exercise his power with considerable severity.

IRISH CHURCHYARDS.—QUESTION.

MR. FAY asked the Chief Secretary for Ireland, Whether he has any objection to furnish to this House the Correspondence which has taken place between the Local Government Board of Ireland and the Board of Guardians of the Shillelagh Union, in the County of Wicklow, on the subject of walling round the churchyard of Crecrin in that county; whether it is the fact that said churchyard is in an exposed and neglected con-

dition; whether said Board of Guardians have refused to take any steps to protect said graveyard; whether the Local Government Board have considered and declared themselves unable to compel the Board of Guardians to have the said churchyard walled or fenced round in consequence of a defect in their powers; and, whether it is the intention of Her Majesty's Government to introduce during the present Session any Bill to confer upon the Local Government Board of Ireland authority to prevent the churchyards of Ireland from desecration?

SIR MICHAEL HICKS-BEACH: I have no objection to produce the Correspondence on this subject if the hon. Member will move for it. I am informed that a complaint was made to the Shillelagh Board of Guardians that the churchyard in question was in an exposed and neglected condition; but that the Guardians declined to take the steps asked for, and contend that there is no necessity for incurring the expense. The Local Government Board have not made the declaration alluded to by the hon. Member; but, in point of fact, they have no authority to compel the Board of Guardians to have the churchyard walled or fenced; and, as at present advised, I do not think that any necessity has been shown for empowering them to to interfere with the discretion invested in Boards of Guardians, acting as Burial Boards in such cases.

INDIA—ARMY—ALLOWANCES TO ORPHANS OF SOLDIERS.

QUESTION.

MR. O'REILLY asked the Under Secretary of State for India, Whether he is aware that the allowance of ten rupees per month for orphans of soldiers, formerly paid for all orphans sent to an asylum, has latterly been refused unless the orphan be sent to an asylum selected by the officer commanding the regiment; and that such officers have in several cases selected for Catholic orphans the Lawrence Asylum, an asylum to which Roman Catholics entertain well-grounded objection; and also whether he will lay the new Regulations relative to Roman Catholic Chaplains ministering to troops in India upon the Table of the House?

LORD GEORGE HAMILTON, in reply, said, he had no official informa-

tion with regard to the first part of the Question of the hon. Member beyond this—that the regulations of the Lawrence Asylum were so framed that Roman Catholic orphans might receive religious instruction from the accredited ministers of their Church. There was no objection to lay on the Table the new Regulations relative to Roman Catholic Chaplains in India.

INDIA—THE NATIVE ARMY.

QUESTION.

SIR HENRY HAVELOCK asked the Under Secretary of State for India, Whether he will lay upon the Table of the House Copies of the Despatches recently received regarding the present condition of the Native Army of India, which show that the number of British Officers with each Native Regiment is sufficient for all purposes of service; or, if he cannot, whether he will produce such extracts of those documents as shall show that the determination to make no organic change in the system, in that respect, has been arrived at on grounds approved by Military authorities of European as well as Indian experience acquainted with the requirements and casualties of modern war?

LORD GEORGE HAMILTON, in reply, said, despatches alluded to in the Question of the hon. and gallant Gentleman had been received at the India Office, and though no organic change was proposed, a variety of suggestions were made as being likely to increase the efficiency of the forces. These proposals were at present under the consideration of the Secretary of State for India, and when anything definite had been decided upon concerning them he would lay the Papers and the reply of the Secretary of State on the Table of the House.

ORDERS OF THE DAY.

Ordered, That the Orders of the Day be postponed until after the Notice of Motion relating to the Royal Titles Act Proclamation.—(*Mr. Disraeli.*)

ROYAL TITLES ACT PROCLAMATION— VOTE OF CENSURE.

SIR HENRY JAMES, in rising to move the following Resolution:—

“That, having regard to the declarations made by Her Majesty's Ministers during the progress of the Royal Titles Act through Parlia-

ment, this House is of opinion that the Proclamation issued by virtue of that Act does not make adequate provision for restraining and preventing the use of the title of Empress in relation to the internal affairs of Her Majesty's dominions other than India,"

said: Sir, I can assure the House that I will make it my earnest endeavour to confine this discussion within limits that shall be clear and well defined. I fully recognize the obligation that we should not make reference to the provisions or policy of a measure that Parliament has lately placed upon our Statute Book. The Resolution which I am seeking to submit to the House deals with that which has arisen subsequently to the passing of the Royal Titles Act, and it seeks to establish the proposition that the exercise of the powers conferred by that Act has not been sufficiently regulated or controlled in accordance with the declarations made by Her Majesty's Ministers. It is true that that Act conferred upon Her Majesty power to make to her Royal style and title such addition as she might think right to declare by her Royal Proclamation; but that statute being of necessity general in its terms, and silent as to the addition that was to be employed and as to any limits, if such were contemplated, it was to the declarations of Her Majesty's Ministers, who were responsible for the introduction and the passing of the measure, that we had to look for information to guide us upon that point. I am sure that I shall have the assent of every Member of the House, and foremost among them Her Majesty's Ministers themselves, to the proposition that these declarations should be regarded equally as binding in controlling the power to be exercised by virtue of that statute as though they had been embodied in and formed part of the measure itself. Before placing before the House what the effect of those declarations was, it will be advisable to consider the circumstances under which they were made to the House. I think I am not wrong in inferring from the statement of the Prime Minister, when he introduced the measure, that he entertained both the hope and the expectation that it would be received without dissent in Parliament, and without opposition in the country. Those expectations and hopes, if they were entertained, certainly were not realized; for the opposition to that measure was probably,

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in political life, unparalleled both here and without the walls of Parliament. The measure was one that affected the Crown, and yet the opposition was found proceeding, not from the disloyal or disaffected; it was not exhibited in public meetings or in factious gatherings; but it was rather an opposition proceeding from loyal and thoughtful men, and found utterance more in their private homes than in the public places of the country. So strong were the instincts—some might term them the sentiments—of those who opposed this measure, that they took alarm lest the Throne to which they were devoted should be in the slightest degree shaken even by the change of the name of the Sovereign. Such an opposition must have afforded gratification to the Leader of the Conservative Party. He must have felt satisfaction at discovering that the loyalty of the country was such that among those who generally supported him alarm was taken on account of the suggested alteration in the style of Her Majesty. Under these circumstances, the right hon. Gentleman apparently took a course which was perfectly natural and perfectly consistent with the circumstances under which he had introduced the measure to Parliament. In the Speech from the Throne it had been stated that it was in connection with our Indian Empire, and the transfer of that territory to the Crown in 1858, that the proposed alteration had been suggested. The Preamble of the Bill was to a similar effect, and the right hon. Gentleman, I believe, on its introduction, stated that the proposed alteration in the Royal Title was about to be made in consequence of a desire that had been expressed by the Princes and by the Natives of India. At a later stage he made a statement that attracted much attention, which was that the State policy which demanded that this measure should be introduced into Parliament had resulted from the necessity of checking Russian aggression on our Indian frontier. The right hon. Gentleman must have felt that the opposition was not one to his Government, and was not one to the application of this measure, if it were deemed right to India; but that it was an opposition which proceeded from a fear that the title might be employed in relation to home affairs. Under these circumstances, it seem to

have been the idea of the Government that they could do more than allay, that they could almost destroy the opposition by confining their measure to that part of Her Majesty's dominions from which the demand for it alone had proceeded and from the relations to which alone the necessity for it arose. They, therefore, came to the resolution to limit the effect of the Act. Lest I should be mistaken in the construction I have put upon the views of the Government, I will read the very words of the distinguished Member of Her Majesty's Government who, in all probability, next to the Prime Minister himself is more responsible for the introduction of the measure than any other of Her Majesty's Ministers. The Lord Chancellor, on the 2nd of May in replying to the questions put to him by Lord Selborne said—

“ I may state what I understand the engagements of the Government to be, and what the Government meant to be their engagement. What I understand the engagement of the Government to have been and what the Government meant was this. There was a great apprehensions expressed that if the title of Empress was used commonly in the United Kingdom, this would happen:—It was said, ‘ Round the Sovereign there is a Court; there are persons in the Court who may fancy that the title of Empress is a greater and more sonorous title than that of Queen, and they may imagine it is a title more palatable to the Sovereign,’ and therefore they said, ‘ If you allow that title to pass into common use, or use it in public documents, it will pass from documents into conversation and social use; it will be used in Court, it will become habituated, and overshadow the ancient great title of Queen.’ In answer to that it was said, ‘ But we, the Government, will endeavour to prevent the use of the title in the United Kingdom. We mean it to be an Indian title. We mean it to be used in India and for Indian purposes. We mean it to be localized in India, and to be used for India; and the way that can be effected is to avoid the chances of a different result—namely, the use of the title in this country—by taking securities against the title being used here and securities that it will be a title used in India.’ ”

On the 20th of March, in moving that the House should go into Committee on the Bill, the Prime Minister said—

“ I am sure that under no circumstances would Her Majesty assume, by the advice of Her Ministers, the title of Empress in England.”—[3 *Hansard*, ccxxviii. 273.]

In reply to that observation of the right hon. Gentleman, the noble Lord the Leader of the Opposition had said—

“ I cannot conclude without urging upon the Government, as strongly as I can, the necessity

of leaving, if possible some record upon our proceedings that it is intended that this title which the Government have advised Her Majesty to assume shall be used in India and for Indian purposes only, and that it is not the intention of Parliament in granting to Her Majesty this power, or that Her Majesty's Ministers in advising Her Majesty to assume this title, do not intend that it shall be used in conjunction with the ancient and Royal title of the Crown.—[*Ibid.* 275.]

MR. J. R. YORKE rose to Order. He wished to ask the Speaker, whether the hon. and learned Gentleman was right in quoting speeches which had been delivered in that House during the current Session?

MR. SPEAKER: The question which has been submitted to me by the hon. Member has engaged my attention, and no doubt it is the Rule that reference to former debates in this House should not be allowed during the current Session. As the House, however, is aware, that Rule does not apply to the different stages of a Bill, and, speaking with all submission to the House, I would point out that the Proclamation which is now under consideration forms a part, as it were, and is the consequence and the sequel of the Act which has been passed by this House. In point of fact, the Proclamation could have no force at all unless it were founded upon the Act passed by both Houses of Parliament. Therefore, it appears to me that, under the exceptional circumstances of the case, it would be difficult to shut out from the consideration of the House observations made in the different stages of the Act of Parliament which has led to the Proclamation now under the consideration of the House, and which form the subject of the present Motion.

SIR HENRY JAMES: Perhaps the House will allow me to continue the quotation which I was making. The right hon. Gentleman further said that it was the intention, Parliament having granted to Her Majesty this power, that it should be only so used as not to endanger the ancient title of the Crown. On the evening of the day to which I have referred my hon. Friend the Member for South Durham (Mr. Pease) moved an Amendment to the effect that the operation of the Act should be limited by the exclusion of the title from the United Kingdom, no reference being made to its external use. My hon. Friend moved—

"Provided, That nothing in this Act contained shall be taken to authorize the use in the United Kingdom of any style or title of Her Majesty other than those at present in use as appertaining to the Imperial Crown."

My noble Friend the Member for the Radnor Burghs (the Marquess of Hartington), speaking on the Amendment, said—

"From the expressions which had fallen from the right hon. Gentleman, and also from the Chancellor of the Exchequer and the Attorney General, he gathered that it was the intention of the Government some way or other to advise that there should be a local limitation of the title of Empress, and that the Bill was not to make any difference in the ordinary style by which Her Majesty was known. If that were so the Committee ought to be told the fact in the most distinct language that the Ministers could use, and he thought they ought also to be told in what way an object in which all were agreed might be permanently secured. . . . Was it not desirable, then, if they were all agreed that there should be a limitation to India of the use of this title, that they should be put in possession of the intentions, opinions, and wishes that existed upon the subject, in order that their sense might be placed in the Bill as an authoritative expression of the opinion and wish of that House and of the country."—[3 *Hansard*, 318-19.]

Now, having heard those views expressed by my noble Friend, the Prime Minister said—

"The noble Lord gives myself and my Colleagues credit for being sincere in the statements we have made, and feels that we have given honest advice to the Sovereign—and that advice, I am bound to say, has been received with the utmost sympathy—namely, that the title which Her Majesty has been advised, for great reasons of State, to assume, shall be exercised absolutely and solely in India when it is required, and that on becoming Empress of India, she does not seek to be in any way Empress of England, but will be content with the old style and title of Queen of the United Kingdom. To all purposes, in fact, Her Majesty would govern the United Kingdom as she has always governed it. At the same time, I cannot agree that we are to interfere with the Prerogative of the Queen, and that under no circumstances shall she acknowledge herself in this country, or be acknowledged by others, upon the necessary business of the State, as the Empress of India. Take, for example, a most important State incident that occurred a month ago. The Queen of England appointed a new Viceroy of India. In issuing that Commission, was the Queen of England not to act also as Empress of India? In diplomacy my hon. Friend the Member for Christchurch (Sir H. Drummond Wolff) has already mentioned that it is the constant practice—indeed, the universal rule—in all documents relating to treaties to recite the full titles of the Sovereign; but because on such occasion the full titles are recited,

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it must not be regarded that to do so at St. James's is a violation of the engagement which, so far as I have any power in the matter, I have entered into with the House as to Her Majesty governing India only, and not England, as Empress."—[*Ibid.* 320.]

The right hon. Gentleman the Member for Greenwich urged the same views as my noble Friend, and in reply to him, the Chancellor of the Exchequer said, in a somewhat indignant tone—

"After what had been stated by the Prime Minister at the beginning of the evening—that it was not at all the intention of Her Majesty's Advisers to advise Her Majesty to take the title of Empress to be borne in this country, but that it should be a title of a local character to be borne in India—the Amendment would be simply in the nature of an expression of Want of Confidence in the promise or statement of his right hon. Friend."—[*Ibid.* 315.]

The Bill passed this House after the assurance had been given that, except for diplomatic purposes, the title of Empress should be localized and confined to India. The Bill passed from this House, and when it arrived "elsewhere," at an early stage the Minister, to whom I have already made reference, who had charge of the Bill, said—

"It is the intention of the Government that the Proclamation to be issued by Her Majesty under this Bill shall comply literally with the engagements which have been given to the House of Commons, and that it will provide in a manner analogous to the Proclamation of 1801"—

EARL PERCY rose to Order, and asked whether the hon. and learned Gentleman was in order in quoting words that had been used in "another place" this Session?

MR. SPEAKER: The hon. and learned Gentleman, so far as I can collect, is not out of Order.

MR. DISRAELI: I rise not to speak to a question of Order, but to say that, although Her Majesty's Government are on their trial, and that while we think the House should be generous enough to remember that, yet we do not think that speakers should be held to a too strict interpretation of our Rules.

SIR HENRY JAMES: I have to thank the right hon. Gentleman for his statement. The noble Lord to whom I was referring said—

"Well, my Lords, I have to state that it is the intention of the Government that the Proclamation to be issued by Her Majesty under this Bill shall comply literally with the en-

gagements which have been given to the House of Commons, and that it will provide in a manner analogous to the Proclamation of 1801—that upon all writs, commissions, patents, and charters intended to operate within the United Kingdom, the Royal style shall continue as it is, without any addition. . . . It is said that the new title of Empress of India will overshadow the title of Queen of England. My Lords, that appears to me to be, not an argument, but a mere figure of speech . . . and I am at a loss to conceive how the great title of Queen of England, unchanged and unaltered and sacred in this country, and beloved by every subject of the Crown, can possibly be overshadowed by the addition of the title apposite and appropriate to and only to be used in India.”—[*Ibid.* 1062.]

Sir, there was one who listened to these words with watchfulness and anxiety, and whose opinion, if I had a right to mention his name, would be treated with a respect equal to that accorded to the noble Lord whose words I have quoted; and he expressed his views “elsewhere”—in that place to which I must not more particularly refer. He said—

“Her Majesty’s Government have pledged themselves that the title of Empress shall be used only in reference to India. . . . It is by the promise to localize this title in India that Her Majesty’s Government have distinctly admitted their knowledge that the name is unpopular in this country.”—[*Ibid.* 1072.]

Instead of correcting such an opinion, if erroneous, another responsible Minister (the Earl of Carnarvon) said that Members of Her Majesty’s Government had over and over again emphatically denied that the title of Empress was not to apply to India alone, and that he was at a loss to know how they could have done it in more explicit terms than they had done; and the same noble Lord added that he should be sorry if the Lord Chancellor and the Law Officers of the Crown were unable to find some means of effectually securing that object. On the 3rd of April my hon. and learned Friend the Member for Oxford (Sir William Harcourt) asked the Prime Minister a Question with regard to the use of the full title in the case of a number of documents, which the Prime Minister was pleased to call a bead roll or catalogue of documents, and amongst others commissions in the Army and patents of invention. In reply, the right hon. Gentleman said—

“The Imperial title will be assumed, as I have before mentioned, in the transaction of all

affairs connected with the Indian Empire, and in all communications abroad. It will be assumed solely externally, and not with respect to the internal affairs of the country; and, with regard to the details referred to, they will be provided for in the Proclamation.”—[*Ibid.* 1098.]

On the 6th of April, in reply to a Question put “elsewhere” with respect to the use of the title of Empress, a Minister replied—

“We have considered whether any Amendment is, according to our judgment, necessary in the Royal Titles Bill; and, after considering that question with the greatest care, the Government are quite of opinion that there is no difficulty whatever in giving effect to the intention of the Government to except from the operation of the Bill all commissions”—of course the noble and learned Lord includes the Army—“writs, and similar documents operating in this country.”—[*Ibid.* 1301.]

Upon the third reading of the Bill, the same Minister said—

“The attention of the Government had already been called to the fact that there were a great many formal official documents operating in this country—such as writs, commissions to magistrates and officers in the Army, charters and documents of that kind—in which the title of the Crown was recited; and the Government were asked whether it was their intention, after what had been stated in the other House of Parliament, that the style of the Crown in those documents should in future include the title to be assumed for India. The Government gave an undertaking on that point, to which they were pledged, and which they were bound to fulfil—and that was that there should be no change in the Royal style and title in such documents operating only in this country.”—[*Ibid.* 1390.]

I have called attention to this last statement because reliance has been placed upon it as the only promise that was made by the Government. I am quite sure that that noble Lord, if he had intended that that statement should be received in exchange for, or in exclusion of, all the other promises which had been given, would have said so. That noble Lord would not, without speaking in the fullest and frankest manner, have wished anybody to treat that as the entire promise of the Government, but rather that it should be regarded as the means by which a portion of that promise should be carried into effect. If any other proof be required as to what were the intentions of the Government, I will refer to the answer given to me on the 2nd of this month. On the 20th of March the Chancellor of the Exche-

quer, when the Bill was in Committee, stated—

“That it was not at all the intention of Her Majesty’s Advisers to advise Her Majesty to take the title of Empress to be borne in this country, but that it should be a title of a local character to be borne in India,”

which appeared to have a considerable effect upon the Committee, and no doubt there are many hon. Members who can state to the House how far that statement had an effect upon their conduct. The noble Lord the Member for Haddingtonshire (Lord Elcho), whose opinions and whose conduct in political life as an independent supporter of the Government ought to have great influence on the House, in an Amendment of which he gave Notice, thus expressed his views:—The noble Lord moved an humble Address—

“Praying Her Majesty, if the title of Empress of India be assumed by Her Majesty, to be graciously pleased to cause such words to be inserted in the Royal Proclamation as will discountenance the ordinary non-official use, by Her Majesty’s subjects other than in India, of Her Majesty’s Imperial title.”

I regret that I have been compelled to have recourse to such copious quotations; but I think that I have shown that Her Majesty’s Government made two distinct declarations and promises—the one that the use of the title of Empress should be excluded from the United Kingdom except in relation to diplomatic documents; the other—a more important engagement, because it covers a much wider area—that that title should be localized to India, should be borne and used only in that part of Her Majesty’s dominions. There is still a very important part of Her Majesty’s dominions not by name mentioned in those promises; I refer to the colonies and to that portion of the Queen’s territory which is more important for our consideration—namely, those dependencies which have not an independent legislative body to protect them. On the introduction of the Bill the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) made an able appeal on behalf of the colonial possessions of the Queen, and asked if the time had not come when some recognition should be made of them on account of their increased wealth, their increasing power, and the loyalty they had ever shown towards the Throne. The right hon. Gen-

tleman at the head of the Government gave an answer which I am sure caught the attention of us all, and met with the approbation of many. He said that the colonist was one who, though he had temporarily left this country, in his thoughts was ever with us, and when he had found his nuggets or fleeced his thousand flocks he returned home; that having been the Member for Melbourne one year, he was the Member, say, for Westminster the next; that he became a magistrate, a deputy-lieutenant, a sheriff of his county, and was presented at Court. He acknowledged in all things the name and title of the Queen—he was an Englishman, he was one of us. Surely that answer conveyed to us that whatever was the title to be applied to our internal affairs, it was to be applied to the colonies also—that to such loyal men no distinction should be made; that they should acknowledge their allegiance to the Queen under the same style when absent from us as when, obeying that all-powerful centripetal force, they returned to this country. But if this is not the correct view, and if we are to consider the letter and not the spirit of these declarations, when the second promise is referred to—namely, that the title of Empress should be localized to India alone, of necessity it is thereby excluded from application to the colonies and also to those enormous dependencies and that vast extent of territory which cannot be included in the colonies, and which certainly has no affinity to and forms no part of our Indian Empire. My task is now half done. I have placed before the House the promises made by the Government or the effect of them. To this House, which bears the responsibility of passing the measure, the pledge was distinctly given that, with the exception of diplomatic documents, the title of Empress should not be applied in this country, and should be localized and borne only in India. The second part of my duty is to show how these promises have been fulfilled. With regard to the Proclamation it must be confessed that, notwithstanding the assurances that had been given on the subject, it caused a vast amount of astonishment, not only among hon. Members on the Opposition side of the House, but to almost every one who read it. We should have expected to find in that Proclamation an

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explicit declaration that the style and title to be added to those already borne by Her Majesty should not be used except in certain documents which would be set forth there. We should have expected to find in it a declaration that, with the exceptions to which I have made reference, the new style and title would be localized and confined to India. But, on the contrary, when the Proclamation met our eye, we found it stated that—

“We have thought fit, by and with the advice of Our Privy Council, to appoint and declare, and We do hereby, by and with the said advice, appoint and declare that henceforth, so far as conveniently may be, on all occasions and in all instruments wherein Our Style and Titles are used, save and except all Charters, Commissions, Letters Patent, Grants, Writs, Appointments, and other like instruments not extending in their operation beyond the United Kingdom, the following addition shall be made to the Style and Titles at present appertaining to the Imperial Crown of the United Kingdom and its Dependencies; that is to say, in the Latin tongue in these words—‘*Indiæ Imperatrix.*’ And in the English tongue in these words—‘*Empress of India.*’”

We had been told that the title was not to be used, but in certain documents. I ask the House to consider what is the meaning of the affirmative declaration “that on all occasions, so far as conveniently may be?” Does it mean documents only, or does it not mean that the Queen’s proper style and title is, whenever it is employed, “Queen of Great Britain and Ireland and Empress of India?” Now it is for the Government to define what are the occasions in relation to which they have declared that this title shall be used. It does not suffice to say—“We know of no occasions except those represented.” For it is not only the occasions that exist that we are to deal with, but those that may arise. But by what power can you stay the use and employment of this title? Is it by usage, is it by statute, or is it by the power of the Lord Chamberlain, that you can stop it? It has truly been said “elsewhere” that you are powerless so to do. On every occasion when anyone chooses to address Her Majesty in language the most deferential, and employs the full style and title of the Sovereign, you have told them by your Proclamation that they must use the title of Empress of India. It is declared that that should be the title on all occasions as far as conveniently may be. I will

refer to one instance which lately occurred, and which has brought this matter to a practical test. The Corporation of Dublin purposed to exercise the right inherent in every subject of presenting a Petition to the Throne; and they thought it deferential to use the full style and title of Her Majesty. And who, excepting the Attorney General, will say that Her Majesty’s subjects have not the right to do so? The Attorney General has stated, on the authority of his high position, that petitioners have no such right; and it is to be hoped that before this debate closes he will state upon what grounds he made that assertion. I hope the hon. and learned Gentleman will be able to state by what law, or by what decision, petitioners to Her Majesty have no right to address her by her full title; and if he cannot point to any such a law, I would ask him by what usage petitioners can be stayed from so addressing her. The hon. and learned Gentleman says they have not the right so to address the Crown, and I trust the hon. and learned Gentleman will be able to satisfy us of the correctness of that view of the law. If it be wrong now, since the Proclamation has been issued, to use the full style and title, it was equally wrong to use it at all before the Proclamation appeared. Let me ask the Attorney General whether he says now that it is the duty of those who sought to petition—namely, the Corporation of Dublin, in their discretion, to strike off a portion of the title of the Sovereign—namely, “the Empress of India.” Had they the right, before the Proclamation was issued, to strike off the title of “Queen of Ireland?” Could they have addressed the Crown as “Queen of Great Britain,” without the addition of the words “and Ireland?” Had they a right to pick out a part and portion of the title, which they might use in addressing the Crown? And yet, according to the statement of the hon. and learned Gentleman, it is not improper for a petitioner to employ the title of the Crown; but that, for some reason, the title of “Empress of India,” if employed, would be improperly used. If my hon. and learned Friend is right, this question is left in a sad state of confusion. I know not if there is to be any meaning in the words of the Proclamation, “as far as conveniently may

be ;" but if we leave it to every subject of the Crown to determine, according to his own view, whether the title of the Crown should be employed in its entirety or not, I do think that those who are most loyally disposed towards the Crown would regret that such a power was given to interfere with the name and title of the Queen. I have been dealing with those occasions when the subject is addressing the Sovereign. Let me now deal with those more important occasions when the Crown has to use the title in relation to the subject; and I think it will be convenient to divide these occasions into six different heads. I will put the question of coinage on one side, it being connected with the Queen's Prerogative. The first occasion is the Proclamation on the accession of the Sovereign, when the title is, of course, proclaimed with all possible solemnity. The second occasion relates to those diplomatic acts, such as Treaties, communications with foreign Powers, &c. The third occasion is in commissions of the Army. The fourth is in patents for inventions. The fifth is in writs and other judicial processes from the Courts. The sixth and last occasion is in documents which generally proceed from the Crown Office—such as special appointments, charters, commissions, and grants. In regard to the first division—namely, that of the Proclamation on the accession—of course the full title of the Sovereign is to be used, and the title of Empress of India must necessarily be employed. No complaint, therefore, can be made on this score. In reference to the second head—the use of the title in diplomatic documents—the right hon. Gentleman said, clearly and distinctly, that the full title would be employed. No objection, therefore, arises on that point. Then as to the third occasion—commissions in the Army. There was a time when the Government intended that the full title should not be used in these cases. The right hon. Gentleman, in answer to my hon. and learned Friend, took no exception to the exclusion of the title from commissions in the Army; and on the third reading of the Bill, the right hon. Gentleman, in answer to the noble Lord (Lord Elcho), distinctly stated that in commissions in the Army the title of Empress of India should not be employed. On the 5th of April the right hon. Gentleman said that in all commissions in the Army the title

should not be employed; this statement was repeated; but when he answered a Question of my hon. Friend the Member for Chelsea (Sir Charles Dilke), the right hon. Gentleman had discovered his error. At a later date the right hon. Gentleman, having his attention called to the question, said that the title would not be used in any document enumerated in "the bead-roll" of my hon. and learned Friend (Sir William Harcourt), save in commissions for the Army. After the Proclamation was issued it was discovered for the first time that in commissions for the Army the title of Empress of India must be used. To the fourth occasion, I beg to invite the attention of the Attorney General. It has been stated by the Prime Minister, and I think also by a noble Lord "elsewhere," that in regard to patents for inventions the style and titles would remain as they are. I may be wrong, but I ask the Attorney General if it is so. Patents for inventions are issued by virtue of our statute law—15 & 16 Vict.—and it is there declared that all patents for inventions shall run, not only in the United Kingdom, but also in the Isle of Man and the Channel Islands. Therefore the full style and title of the Crown must, as it appears, of necessity, be used. The Royal Titles Act Proclamation states that, in all documents operating within the United Kingdom, the full title should not be used, but that in documents operating beyond the United Kingdom the title of Empress must be used. Therefore, is it not clear and distinct that, in all patents for inventions, numbering as they do about 4,000 annually, the title of Empress of India must be used? With respect to the fifth occasion—the issue of writs under judicial process—it is true that in those writs which affect this country alone the title will remain as before; but in those numerous writs which are served on British subjects abroad, and in distant parts of Her Majesty's dominions—in commissions for examining witnesses, and other documents proceeding beyond the United Kingdom, and which have to be returned and read in this country, the title of Empress of India must appear. With regard to the sixth and last head, I had thought that in these special appointments there would be no employment of the title of Empress. In the

case of chartered companies trading abroad the title would, no doubt, be used; but I thought it would not have to be employed in those commissions and patents which confer appointments on Ministers of the Crown. I find I was wrong. I do not know whether the First Lord of the Admiralty is aware of the great jurisdiction which is given him beyond the United Kingdom by the commission under which he and the other Lords of the Admiralty hold their appointments. He has high dignity as Lord High Admiral, and he has jurisdiction not only in the United Kingdom, but over many territories and islands. The consequence is that it will be necessary for him to receive his appointment at the hands of the Empress of India, instead of from the Sovereign under the usual title of Queen of Great Britain and Ireland. I believe it is not now the practice to issue one commission to all the Secretaries of State; but, if it were, they would all have to be made out in the name of the Empress of India, in consequence of their including the Secretaries for the Colonies. I have been anxious to find a companion for the First Lord of the Admiralty; and I have found one of the right hon. Gentleman's Colleagues, who will receive the commission of his Sovereign under her new title. I have found for the right hon. Gentleman a cheerful and agreeable companion; for I hold in my hand a copy of the patent that confers an appointment on one of the most distinguished and most active of Her Majesty's Ministers. The document runs thus—

“Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, and Defender of the Faith. To all to whom these presents shall come greeting. We, of our special grace, certain knowledge, and mere motion, and for and in consideration of the good and acceptable services to us done and to be done by our trusty and well-beloved George Augustus Frederick Cavendish Bentinck, and also for and, in consideration of the learning, skill, and ability of the aforesaid George Augustus Frederick Cavendish Bentinck, have given by these presents to him the said office and place of Judge Advocate General or Judge Marshal of all our forces, both horse and foot, raised and to be raised for our service in the United Kingdom of Great Britain and Ireland, and in all our other dominions and countries whatsoever, except in our dominions where particular Judge Advocates General or Judges Marshal are appointed.”

I believe that a Judge Advocate General is specially appointed for India, and the

result of that will be that my right hon. Friend, having no connection with India, will nevertheless have to receive his commission from Her Majesty under her style and title of Empress of India. The result is that throughout this country, as well as elsewhere, with the exceptions I have mentioned, the title of Empress must be used. Let me remind hon. Gentlemen who have adopted different views on this matter, that this is not a question whether the title may or may not be rightly employed. The question is not one of policy. It is whether those undertakings which were given by the Government have been fulfilled. The promise was, in relation to the United Kingdom, that this title was to be excluded except in certain documents. For my part I venture to say, after due consideration, that excluding writs of summons and other judicial process, I believe—although it is difficult to make any accurate calculation—that in three out of every four public documents which hereafter will be issued, and which bear the full title of the Queen, the addition declared by the Royal Proclamation will have to be made. The Prime Minister referred in somewhat pleasant phraseology to the title as being intended for external application only, and the truth is, it is likely to cause somewhat similar results to other things which are intended only for external use. You leave it carelessly about—it is used for internal remedy—and the result is poison. It is idle, in my opinion, to say that the title can, under the terms of the Proclamation, be limited in accordance with the pledges which the Government have given to the House. And now as to the application of the title to Her Majesty's dominions beyond the United Kingdom. We have heard it stated that the Proclamation will not be issued in some of the colonies. If that is to be so it is very much to be regretted. You make the colonies, so far as their coinage is concerned, subject to the terms of the Proclamation. Are you not going to communicate to the colonies how far the Proclamation will affect them? The colonies owe allegiance to the Crown, and they must owe that allegiance under the proper style and title of the Crown. They cannot themselves determine what that style and title shall be; and the fact should not be lost sight of that the Governor of a Colony must pro-

claim that he holds his office by virtue of a commission from the Queen of the United Kingdom and Empress of India. Can it, then, be contended that we should leave to the unrestrained action of these dependencies, numerous as they are, and some of which have no independent Legislatures, the question as to what shall be the title of the Crown? If so, one Governor will regard the title of Empress as convenient and fitting, his successor will take the opposite view, and the question will in that case be left to a shifting body uncontrolled by Imperial considerations. Is it to be contended that the title of the Crown is to be left to the consideration and determination of different Colonial bodies? If so, are they, for instance, to be at liberty to leave out the words "and Ireland" after "Queen of Great Britain?" Is such a power to be given to any one or to all of Her Majesty's Colonial dependencies? The result of the whole matter is that you either leave the title in uncertainty, or you employ it throughout the whole of Her Majesty's dominions, except in the documents I have referred to. This is not the localization of Empress, it is the generalizing of that title. It is not even preserving the title of Queen of England in England; for you have confined its use to certain writs and certain documents only. The Proclamation of 1801 has been used by those who have drawn the present Proclamation; but they have forgotten that that Proclamation was employed in relation to general circumstances, when no question as to the title of the Sovereign had been considered, when no limitation was intended and when no promises had been given. General words have been used, following that Proclamation of 1801; and the limitation which was intended has been found even too narrow to carry that intention into effect. And now, Mr. Speaker, I have stated the reason why there were many who came to the conclusion that the promises and declarations that were made have not been fulfilled, and it is because of this belief that this Motion has been submitted to the House. I have heard doubts expressed as to the policy of bringing it forward. [*Ministerial cheers.*] Yes; and if hon. Members opposite regard that policy in a narrow light they are right. If we had simply considered our personal convenience, and

regarded defeat by a numerical majority as a disaster, we should not have moved this Resolution. But, sincerely believing that promises have been given which have not been fulfilled, we asked ourselves what was the course that must be taken? Sir, I find my answer in the words of the Chancellor of the Exchequer. The right hon. Gentleman said—

"The nature of the advice has been already stated. Of course the Proclamation, if at variance with the promise given, would be subject to comment in Parliament." — [3 *Hansard*. ccxxviii. 315.]

We felt that the promises had not been kept; we heard the criticisms made elsewhere by a noble and learned Lord (Lord Selborne); we heard the Press of the country express the same opinions; we ourselves expressed them in private conversation. Under these circumstances, would it have been becoming in us to whom these promises had been made—would it have been becoming in us, holding and expressing the view that these promises had not been kept, to have refrained from coming forward to give the Government an opportunity of defending themselves? If this Resolution had not been moved, if this discussion had not been raised with the full sanction of my noble Friend, a Parliamentary duty would have been unfulfilled and the responsibilities of an Opposition completely abnegated. I venture to say to those who will support this Motion that whatever may be the result, an advantage and a benefit must accrue to them. If after this discussion—if after the explanations to be afforded to us it shall be proved that our opinion has been right that the promises given have been unfulfilled and the pledges made unredeemed—we shall at least have the satisfaction that we have not wrongly judged our political opponents, and that our judgment and discrimination have not been wrong. If, on the other hand, the result should prove that the error and misunderstanding have been ours—if it should be shown by the explanations about to be made that we have not rightly understood these promises, then we shall have that which will be compensation, and full compensation to us. We shall have the satisfaction of knowing that those to whom Her Majesty has entrusted the administration of public affairs—that those in whom the nation but lately placed a full and

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generous confidence—have not inconsiderately made promises they could not fulfil, nor have they forgotten to fulfil promises they intentionally made.

Motion made, and Question proposed,

“That, having regard to the declarations made by Her Majesty's Ministers during the progress of the Royal Titles Act through Parliament, this House is of opinion that the Proclamation issued by virtue of that Act does not make adequate provision for restraining and preventing the use of the title of Empress in relation to the internal affairs of Her Majesty's dominions other than India.”—(*Sir Henry James.*)

MR. GATHORNE HARDY said, he was somewhat at a loss, in commencing the reply which he should have to make to the speech of the hon. and learned Gentleman, to know what the exact charge against Her Majesty's Government was. [*Laughter.*] Hon. Gentlemen might laugh; but this was either a very serious charge, or it was a very light charge, and he was going to put the former alternative. If the charge was that Her Majesty's Government had wilfully broken promises they had made, either to that House or the other, if it was said that they had repudiated declarations in the one House which were made in the other, as not being bound by them, that was a charge of dishonourable conduct, and a charge which they were perfectly ready to meet. But it was a charge which should be made in plain terms. It was a charge that ought not to be left in ambiguity, and the Motion of the hon. and learned Gentleman, as well as his speech, left the matter in a degree of doubt of which he (Mr. Hardy) thought they had a right to complain. He wished the hon. and learned Gentleman to tell them whether in that House they had repudiated declarations made in the other, or whether he charged them with wilfully breaking their promises. Hon. Gentlemen might smile or laugh; but there was a great distinction between the two. The hon. and learned Gentleman at nearly the conclusion of his speech said that what he was going to charge the Government with was an omission or inability to fulfil some promise, or a mistake as to the fulfilment of a promise, and these were very different charges from what was implied in the word “repudiation.” As the hon. and learned Gentleman was silent, he would take upon himself to answer both charges, and he was confi-

dent that before sitting down he should be able to show that neither was applicable to the Government, but that the Government had pursued one course throughout, and that the dispute was simply this—whether the Government had fulfilled what hon. Members opposite expected, or whether, on the other hand, the Government had fulfilled what they themselves intended. Now, the hon. and learned Member began by telling the House that the Bill to which his Motion related had met with an opposition unparalleled in political life. He agreed with the hon. and learned Gentleman in every word of that. The hon. and learned Member started well; but when he added a qualification to that he (Mr. Hardy) was not so ready to agree with him. The qualification was, “outside this House.” It was for the hon. and learned Gentleman to value the outside agitation for what it was worth; but he (Mr. Hardy) was prepared to show that in the present case the outside agitation neither answered the purpose of those who set it a-going, nor resulted in that “unparalleled political attack” on the Government that was expected from it. On the present occasion the position of the Government was unparalleled. The Speaker had, no doubt very properly, decided that reference might be made in that House to speeches delivered both there and elsewhere in relation to the Royal Titles Act. But he (Mr. Hardy) ventured to ask the House and the country whether ever before upon any occasion a Vote of Censure was asked against a Ministry without laying down in definite and precise terms the statement or declaration upon which they were going to make the attack? Was it ever suggested before that they should go through old files of newspapers to find out what the charge against the Government was, and that, to use a vulgar expression, they should look for this needle in a bundle of hay, though when it was found it would prove to be nothing so valuable as a needle, but only a poisoned pin? He ventured to say that no such thing had ever been done. The hon. and learned Gentleman, from his acquaintance with litigation, was no doubt aware that the first thing to be settled in a case was a clear issue between the parties. Now, in future generations could any human being, he should like to know, understand from

the Motion, as recorded in the Journals of the House, what the charge against the Government was without referring to the contemporaneous debates in *Hansard*? The hon. and learned Member charged the Government with making declarations which he understood in a certain sense; but they might have understood them and made them in a totally different sense. It was not what the hon. and learned Gentleman understood, but what the Government intended. To a great extent the hon. and learned Member had quoted very fairly the passages to which he referred; but, at the same time, he had not taken that amount of pains which he might have done to get them in an accurate form. He had quoted from the report of a speech of his noble and learned Friend the Lord Chancellor, for instance; but never referred for a moment to the letter from his noble and learned Friend which appeared in *The Times*, in which he corrected in an important particular that part of the speech which was now brought forward. [Sir HENRY JAMES: I have not seen the letter.] Before any Gentleman in that House founded a charge against people in respect to a speech reported in the newspapers he generally asked whether the speech was correctly reported. This the hon. and learned Member had not done. Against reports generally he had not a word to say; but it was certainly a most dangerous precedent to go and search out declarations among whole masses of speeches, picking out what suited a particular purpose. Unless the context of a particular sentence were taken, a totally false impression of the speaker's meaning might be conveyed; and it seemed to him a very unfair and unreasonable thing to raise a debate, not on any official statement duly recorded, but on the interpretation of a great number of speeches delivered in Parliament. The hon. and learned Gentleman, in commencing his speech, said that declarations made by the Government ought to be as binding as if they were in the Act. That he did not dispute for a moment. If they made declarations clear and precise which they had not fulfilled — whether it were by omission or commission — it ought to be a subject of censure. The hon. and learned Member laid particular stress on the colonies. But he admitted that there was no distinct promise made on

that subject. The first promise, he admitted, was the exclusion of the title from the United Kingdom; and it was a remarkable circumstance that when the hon. and learned Member put a Question to the Chancellor of the Exchequer as to the use of the title he made no reference to the colonies himself. In effect, the hon. and learned Member asked whether it was the intention of the Government that the title of Empress should not be borne by Her Majesty in this country, but only in India, and whether the Proclamation to be issued would so limit the title of Empress that it could not be used in this country. Not a word about the colonies was mentioned. ["Oh, oh!"] He hoped hon. Gentlemen opposite would not interrupt his argument. He might have interrupted the hon. and learned Gentleman, but did not—and it would be unreasonable to stop him in the middle of his argument. The hon. and learned Member admitted that the Amendment of the hon. Member for South Durham (Mr. Pease) referred only to the United Kingdom; but he based his case with respect to the colonies on the words "localization in India." That, he said, implied that the colonies were to be excluded, and, further, he referred to the words "absolutely and solely in India" used by the Prime Minister as if there were no qualification attached to them. Now, the Prime Minister used qualifying words which were far stronger than those the hon. and learned Gentleman quoted, for, although he read up to a certain point, he did not read the last words of the passage, which showed that the Prime Minister guarded himself against an entire condemnation of the necessity and propriety of using the title in this country. His hon. and learned Friend who had brought forward the question contended that because in speaking on the Motion of the hon. Member for South Durham the Prime Minister used, as an illustration of his meaning, a reference to diplomatic documents, he thereby pledged his Government that the title of Empress would be used in diplomatic documents only. The reference was used merely as an illustration—and by no means an exhaustive one—of the point his right hon. Friend was endeavouring to make, and it contained no pledge of any kind

as to a limitation of the title or its use. The hon. and learned Member for Taunton had urged in a very ingenious manner that it was upon the statement of the Prime Minister, as he had chosen to interpret it, that the Bill passed through the House. But how did the Bill pass? Not without opposition. Hon. Members seemed to think that they were cajoled, and that they allowed the Bill to pass; but the truth was that they divided upon it at the last moment. They divided upon it on the third reading, and upon the second reading in the House of Lords. They said, in consequence of the statements of the Government the Bill passed; but he ventured to say that if they had introduced the Bill without any limitation at all, it would have passed the House. He would venture to add his opinion that the objection to the Bill which was based upon the notion of Empress being substituted for Queen, and about which hon. Members had made so much fuss, was as unsubstantial and as unreal as any phantom that had ever been conjured up in a spiritual *séance*. He supposed hon. Members really feared it—some men had differently constituted minds, but to him it was an extraordinary fact that this hallucination was confined to Gentlemen of the Liberal Party. There was a sort of union, the table turned as they all put their hands upon it, and then the phantom was conjured up amongst them. His hon. and learned Friend had said that he would rely, in support of his case, upon the statement of the Lord Chancellor as to what the Proclamation to be issued in pursuance of the Act was to be. This seemed a little curious, for in opposing the Motion of his hon. and learned Friend he should rely more upon the statements made by his noble and learned Friend than upon anything else that had been urged in the course of the discussion of the measure. He did not think that anyone could distinguish the Proclamation from that which, three weeks before it was issued, the Lord Chancellor said it would be. His noble and learned Friend said—

“The Proclamation shall comply literally with the engagements which have been given to the House of Commons; and it will provide, in a manner analogous to the Proclamation of 1801, that upon all writs, &c., intended to operate within the United Kingdom the Royal style shall continue as it is.”—[3 *Hansard*, ccxxviii. 1062.]

They had to rely upon the Lord Chancellor for guidance in all legal matters, and he would put it to any man in the United Kingdom—not confining himself to Parliament—whether he could distinguish the Proclamation as issued from the authoritative declaration of the Lord Chancellor as to what it was to be. It had been urged in support of the Motion under consideration that the use of the title was only excluded within the United Kingdom and that it had not been attempted to localize it in India. As far as the first statement was concerned, he could only say that the Government only promised to preclude the use of the title within the United Kingdom; and in reference to the second argument it was only necessary to read the words of the Lord Chancellor, who said—

“We mean it to be localized in India, and to be used for India; and the way in which that can be best effected, so as to avoid a different result, is by taking security that the title shall not be used in this country.”

The Act was passed by Parliament with a full knowledge of the title which the Queen was about to assume, but also with a knowledge that the title was to be applicable to India only, and that it was in no sense to supersede the title of Queen. There might possibly be weak persons of the toady stamp who would use the new title in conversation, but it could not be supposed that the substitution would be general. Lord Nelson had conferred upon him by a foreign Power the title of Duke of Bronté, and it was his habit to use the title in his signatures; but no one in England was fool or toady enough to suppose that the title of Duke absorbed the name of Nelson. Similarly, he could not suppose that if the full style of Her Majesty was recited in any of the documents or upon any of the occasions when it was customary to set forth all the titles which she bore, any of the evils that had been so glibly predicted would follow. When they were referred to the newspapers of the country to see what everybody had said, he replied—“Bring them to the test of facts.” What were the controversies? The controversies were upon the Amendment of the hon. Member for South Durham (Mr. Pease); and in the debate the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), with great earnestness, urged the Government to use the word “local” in

front of the addition. The Prime Minister on that occasion stated that there was—

“Not the slightest intention to substitute the new title of Empress for the supreme title of Queen, and that it was to be localized in India.”

That statement was emphatically carried out by the Proclamation, which was as near as possible in accord with that of the reign of George III. It was to be used “on all occasions wherein our Royal style and titles ought to be used.” The word “wherein” was adopted because it was in the Proclamation of 1801, although perhaps it would have been more proper in this instance to have said—“on all occasions on which,” &c. As far as he knew, the only occasions on which the full titles of the Sovereign were proclaimed and set forth—excepting, of course, the documents to which reference had been made—were on the accession or the death of the reigning Sovereign. He could not for a moment suppose that on any such occasion the title of Queen would be taken to be superseded by that of Empress. He remembered that, at the funeral of the great Duke of Wellington, in St. Paul’s, his full titles were recited—a long bead-roll of names—but none of them, not even the Prince of Waterloo, absorbed the great English name of Wellington, under which he lived, and fought, and conquered, in spite of all the Dukedoms and Princedoms which he possessed. So through all time and in all circumstances the title of Queen or King would among Englishmen be regarded as grander and higher than that of Empress or Emperor. The hon. and learned Gentleman had referred to the reply given by the Attorney General to the question relating to the congratulatory address said to have been drawn up by the Corporation of Dublin, in which the words “Empress of India” appeared; and what he understood the Attorney General to have said was that there was nothing in the terms of the Proclamation that would justify the use of the expression.

SIR HENRY JAMES: He said there was nothing in the words of the Proclamation which would warrant them in using the title.

MR. GATHORNE HARDY: There was nothing at all referring to the matter to be found in the Proclamation. He quite admitted that, Her Majesty being

Empress of India, any one who chose to do so might tack that title on to the other titles of the Queen. In reference to the dreadful apprehensions that were entertained respecting the use of the new title in England, he might mention that a few days since he had been shown a most remarkable publication—which was the organ of a council upon which were a great many hon. Members, and among others the hon. Member for Newcastle-on-Tyne (Mr. Cowen), who had electrified the House by a striking speech the other night—which was called *The Financial Reformer’s Almanack*, and he only referred to it because so many Members of the House gave their names to the Association. In the number of that publication which appeared in 1875, Her Majesty was styled not only Queen, but also Empress of India. The editor of the publication, however, had been so alarmed by what had occurred recently that he had omitted from the publication this year all reference to Her Majesty and the Royal Family, fearful, apparently, that people might compare the present with the past year’s description of Her Majesty’s style, and come to the conclusion that the title of Empress of India was not thought so dreadful in 1875 as it was in 1876. The hon. and learned Member had then proceeded to refer to a certain number of cases in which he said that the new title might be used with propriety. He had spoken of the accession. He (Mr. Hardy) had no doubt it would be used on the accession. In all diplomatic acts and documents the title would be used, that was to say, in all our affairs and communications with foreign countries we should use this title, and yet he considered that when they were doing that and proclaiming to the whole world outside their own country that Her Majesty was Empress of India, that light could be hidden under a bushel by the attempts which hon. Members were now making to discredit it. With regard to commissions in the Army, he did not think that it would be an improper use of the title to use it in the commissions of officers who had to serve in India. In fact, the hon. and learned Gentleman made no objection to the propriety of its use in such cases. All he appeared to contend for was that such a use of it was contrary to the promise which he said Her Maje

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Government had given. It was quite true that reference was made to Army commissions, and no doubt it was stated generally with regard to these documents that they would be excepted; but there was one point in reference to them which his hon. and learned Friend did not quote—namely, that the noble and learned Lord (the Lord Chancellor) said that if any addition was to be made to those documents it would be to those which operated only out of the United Kingdom. [Sir HENRY JAMES: Not “only.”] If they were to go into questions of that sort, he must say that when they had that kind of discussion in which they had to look through all the debates, not only in that House, but also in the other, on that question, and when he found that the Lord Chancellor in those words excluded “commissions, and so on,” which were to operate in the United Kingdom, and when he was told that when the noble and learned Lord used the instance of Army commissions, &c., he did not use the word “only,” he was compelled to adopt a portion of the speech which became inconsistent with the principle upon which the Proclamation was to be made. Turning to the question of patents for inventions, what was the enormous charge that had been brought against Her Majesty’s Government on that point? The House would be amused to find that the apprehensions of the hon. and learned Member extended as far as this—that patents for inventions, inasmuch as they extended to the Isle of Man and to the Channel Islands, would contain the title of Empress of India. That was the terrible catastrophe which the hon. and learned Gentleman feared would happen. The hon. and learned Gentleman and his hon. and learned Friends thought that such a use of the title would necessarily drag it into use in the United Kingdom. But the hon. and learned Gentleman might allow his apprehensions upon this point to subside, because it appeared that under the Patent Laws Amendment Act it was in the discretion of the Commissioners of Patents to determine what the form of the patents should be, and he need not be under any frightful apprehensions that the Commissioners would alter the title of Her Majesty as it at appeared in them. The hon. and learned Gentleman seemed to think

that these words, “Empress of India,” would appear in the patent of his right hon. Friend the First Lord of the Admiralty, but the words in the Proclamation were, “as far as conveniently may be.” Some hon. Members in and some persons out of the House appeared to think that that expression meant that it was to be used on all occasions when it was comfortable and pleasant to do so. That, however, was not the interpretation he placed upon the language of the Proclamation. He understood the words to mean the “suitable and appropriate” use of the title. The form of the documents to which the hon. and learned Member had referred was not fixed by statute, but had grown up by usage in course of time, and there was no reason why that form should be changed. With regard to the Judge Advocate, in reference to whom the hon. and learned Gentleman had thought it worth his while to make certain somewhat unseasonable jests, he might remark that it was not the present Judge Advocate who would be put to all this dreadful trouble foreshadowed by the hon. and learned Gentleman. If success should attend the efforts of the hon. and learned Gentleman that night, it would probably be upon one of his learned Friends that that trouble of the Judge Advocate’s patent would fall; and, whoever he might be, he would no doubt be worthy of the glowing eulogium which the words of the patent would imply. He did not doubt, also, that if in any such case the hon. and learned Gentleman would read it to the House, it would be received with as much amusement as was derived from it when read just now. With regard to the colonies, in reference to which so much had been said, it was quite true that some self-elected friends of the colonies thought that they should have been considered when the title of the Crown was being altered; but nothing to that effect was introduced into the Act when it was passing through Parliament. The hon. and learned Member had told them that the use of the title was to be local, and that that would be sufficient to keep it out of the colonies. Our colonies consisted of two different kinds—those which were self-governed, and those which were directly governed by ourselves. In the year 1801, the Proclamation was proclaimed separately in

every colony—colonies which had even their own Legislature. And it was under that Proclamation no doubt that the colonies acted. Now, what was the position of those colonies? Either the commissions or documents which were spoken of were legal by statute or represented usage. If they were so by statute, what they had done there would make no difference, and he challenged any lawyer to dispute it. If it was so by statute, the colonies had a perfect right to decide what the title should be in their own documents. If, on the other hand, it was by usage they could do the same, for they had a perfect right to alter the usage. He (Mr. Hardy) was not going to say that they could not exercise the Imperial power so far as to say what the Imperial title should be; but we had treated our colonies of late years rather as friendly allies than as being subject to the Imperial power, and on this question, as on all others, Her Majesty's Government would consult the wishes of the colonies. Her Majesty's Government would also consult the wishes of our dependencies which were not self-governing. Thus, with regard to Ceylon, it could scarcely be denied that, frequented as it was by those who resided in India, and closely attached as it was by its situation to that continent, nothing could be more appropriate than that the same title should be used in that island as was in use in India. Again, take the case of the Mauritius. That colony was composed of more than one half of East Indians, and, therefore, nothing would be more graceful than to say that the title used in their own country should be extended to them. Those were cases in which the words "so far as conveniently may be," seemed to him might be applied with great advantage to the colonies. The curious argument, however, had been used that if the title of Empress were to be commonly used in our colonies, it would by reflex action come to be commonly used at home. The position which was taken up by the hon. and learned Gentleman was that Her Majesty's Government were going to force upon the colonies a title which they detested, and yet that this unpopular title would so soon get into common use there that it would come back here. Was not that a contradictory and a preposterous argument? It had further been said that the Government showed

by their consent to limit the use of the title to India that they were conscious that it would be unpopular in this country; but he could retort that those who opposed the Act showed by their desire to exclude the use of the title from this country how popular they thought it would become. There was nothing to thrust this title on the colonies if they did not like it. They would be consulted about it, and the self-governed colonies would have the same option which they had always had. Although, no doubt, the title of Empress of India would remain attached to the title of the Crown in this country for ever, yet there was nothing in question now but whether there had been a sufficient limitation as to the use of it. No one had said that there was any danger in the use of the title, and he could not draw any conclusion from the hon. and learned Gentleman's speech, whether he meant that the Proclamation was not in accordance with the declarations made in that House, or whether it was inadequate for the purposes for which it had been issued. Now he asked this question—If deception was not imputed to the Government, what was? What was it that brought those serried ranks of the Opposition if it was not thought that there had been something dishonourable on the part of the Government? It was a small and inadequate issue which was raised for so great a purpose as that whether or not in certain documents the title of Empress of India should be used, and whether the Proclamation was sufficient to exclude those documents. He contended that the Proclamation followed literally what was said by the Lord Chancellor, and by that declaration Her Majesty's Government were ready to stand. He ventured to say that no difference would be found between the two. Parliament was to be censured, for the Motion involved a censure upon Parliament as well as themselves, for Parliament had allowed a statute to pass which some persons considered to be dangerous. The only danger that had ever been suggested was the supersession of one title by the other. He asserted that there was nothing which could be brought forward to show that there was the slightest reason to think that. What was the reason for passing the measure? It was not done merely with the view of adding to the dignity of

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Her Majesty's Crown which he would say shed lustre quite adequate in itself, but it was sent as a message of peace and conciliation to India. It had been so stated throughout. No one ever supposed they could add any dignity to the Queen, who reigned over the same dominions as before. The time chosen for proposing that that message should be sent was while His Royal Highness the Prince of Wales, with the consent and by the assistance of Parliament, was visiting India—an undertaking which some persons supposed would be dangerous, and others unsuccessful. We had heard of the loyalty and affection with which His Royal Highness was received throughout India. He was hailed as the successor of Her Majesty by a future title synonymous with that which had been adopted by Her Majesty. We chose that occasion to heal those wounds which had been opened, and from which blood flowed freely in 1857 and 1858. When we saw the mode in which all those great quarrels and battles and difficulties had been forgotten, and that India was reconciled to our rule, it was a fit time for us to send such a message as we had sent to India. The hon. Member for Hackney (Mr. Fawcett), he understood, took the decided line of saying that the title of Empress was wrong, and that the Government acted unconstitutionally in adopting that title. But when he (Mr. Hardy) found that censure was proposed not on that ground, but on the technical terms in which the Proclamation was couched, he thought that was not a kind of Motion which was worthy of a great Opposition and of the great Liberal Party. The noble Lord opposite refused to undertake the conduct of that censure. A day would have been given to him to propose it, but he refused to lead and would not march that regiment through Coventry; but he now, as rumour told them, through pressure in the House, not in the country, was going to support this Motion, and no doubt they were threatened with a debate upon one of the narrowest issues ever submitted to Parliament. The right hon. Gentleman the Member for Birmingham (Mr. John Bright) scouted anything like the censure which the hon. Member for Hackney had thought of proposing. When the right hon. Gentleman was told that censure was put off

till the Proclamation was issued, he said—

“Nobody on this side of the House wants to pass a Vote of Censure on the Government. Every one knows that would be a foolish and absurd thing to do in the present state of the House. It is not for the purpose of passing a censure upon the Government, which, in the present state of the House, is not in the power of this side even if they were so disposed to do.”

[Mr. JOHN BRIGHT: The Government have committed new sins.] The Government had done nothing in the Proclamation but that which they said they would do. It was not a question of what the Opposition expected, but of what the Government intended, and their promise had been fulfilled in the spirit in which it had been given. He contended boldly that there had been no failure on the part of the Government in the promise they had given. He knew very well that any stick would do to beat a dog; but this stick was rotten and would break in the hands of the Opposition; it was without sap or substance. They could understand a Motion which condemned a principle or a policy. The Opposition used to tell the Government they had no policy. Was the policy of the Opposition this—the number of times in which the title of Empress should be used in certain documents? When, after two years, the Opposition looked to the manner in which the Government had conducted the internal affairs of this country, and Colonial, foreign, and Indian affairs, they could not discover anything on which they could put a hand of censure. They took this miserable ground—this technical ground—this narrow issue—an issue which they themselves could not put upon a definite basis, but which they could only make after fishing through different speeches, and taking out extracts which it was known were qualified by contexts in every instance. He said that such an issue was not worthy of a great Party, which the Government would like to contest with upon such an occasion. It was well known that in moving an Address to the Speech from the Throne the hon. Member for Downpatrick (Mr. Mulholland) suggested this very title, and yet not a word was said against it. It was a question that did not affect in any degree the real interests of the country. And yet what had hon. Members opposite done? They had, in

the course of the debates on the Royal Titles Bill, tried to irritate the colonies by saying they had been neglected. Fortunately the colonial policy of his noble Friend (the Earl of Carnarvon) had been such that the colonies knew whether the Government meant to insult them or not, and that they were in hands which treated them with a delicacy which was at least equal to that with which they were treated by the late Government. The Opposition went further—they tried to excite suspicion in the minds of the Chiefs of India by saying that, although the title of Empress was paltry, yet it was pregnant with great meaning, and would be used for the purpose of asserting an authority over them which we did not possess. That was insinuated by men who once had the confidence of that House, and who had attempted to gain the confidence of the country, which he (Mr. Hardy) believed they had lost—by men who wished to make the Chiefs suppose that instead of this title having been assumed as a message of peace and affection, it was really one of tyranny and despotism. The Opposition tried their hand at the Press, but the Press failed to excite public feeling. They called from their haunts some of the old agitators to see if they could rouse the feeling of the country, and they tried their hands, but soon retired from the hopeless task. They had addressed their appeals to the country, but how had the country answered them? Where was the response? They had indeed sent out forms of Petition from a Liberal Association which had no doubt been returned to them with signatures. He knew no question upon which they could not get signatures in such a way as that. [*Opposition cheers.*] He understood those cheers, and he quite understood that Petitions might be obtained in the same way on one side as on the other. But he said there had been nothing but factitious agitation—he would not use a stronger word—in the country on that subject. Did such a Motion as this, couched in such language, meet the views of those who were prepared to censure Her Majesty's Government upon their general policy on this question, and was this limited and miserable Motion that which they intended? There was some sting in that of which the hon. Member for Hackney had given Notice; but having failed to kill Her Ma-

jesty's Government with the sting, was it reasonable or right that a great Opposition should attempt to spit their venom upon the Government? No doubt they never had trusted the present Government—they did not expect them to do so—but there were men of considerable distinction among them, and who were universally respected, who had the patriotism, believing, as they did, that this title would not be injurious to England while it would be advantageous to India, to give the Government their support. There was something dangerous in a long retention of power. Forty years of power seemed to carry people almost insensibly to the opinion that they could not possibly be done without, and no doubt the Opposition, in their non-trust in Her Majesty's Government and their excessive trust in themselves, awaking from the stupor in which they had for some time been plunged by the downfall which came suddenly and unexpectedly upon them, had been looking in bewilderment for some means to attack the Government which had taken their seats. They did not trust the Government; but, at least, they should point out something in their policy, something in their principles which they did not trust, and not fasten on some little technical question about words in which they could employ the immense ability of the late Attorney General, although even that hon. and learned Gentleman, he ventured to say, could not, with all his skill in advocacy, succeed in making out a case against them before an impartial jury, for he confessed that he wished they could lay aside their Party feelings and look on that question as an impartial jury would decide it. No such indictment as that would stand—no such plea could be supported; and neither in a civil nor in a criminal Court could he possibly obtain a verdict in his favour. He (Mr. Hardy) was convinced that he would not bring such a conclusion about here. The right hon. Member for Birmingham had been pleased to call hon. Gentlemen on that side a “mechanical majority.” It was a majority with a will and an instinct of its own, which could at least recognize that the Government had not, as far as any one had yet shown, in any way betrayed the confidence which had been reposed in it, and that it was at least a barrier—if it was nothing better—to “the glorious life”

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which the late Government had led. The country wanted not that "glorious life" to be led over again, and at least Her Majesty's Government could act as a barrier to that. Wherein had the Government failed in their policy?—for it was only in regard to their policy that a great issue commensurate with the occasion could be raised. If they looked back to the Votes of Censure formerly moved in that House, they would see that they had reference to the substantial measures and actions of the Government, to some matters on which they were said to have fallen short—for example, in respect to the suffrage, or some other great issue on which the intellect of the House might well come into conflict. But what had the Opposition turned this Vote of Censure into? A question of words, of names, and petty things—and such things as were really not worthy of being debated in that House. With regard to India, the Government of which they had undertaken, he might quote the concluding passage of a speech delivered by the Governor General, Lord Lytton, who had just gone out to that country, because it expressed not only that noble Lord's sentiments, but also, he believed, the sentiments of the Government. The Governor General said he prayed Heaven—

"To direct our counsels to such issues as may prove conducive to the honour of our country, to the authority and prestige of its august Sovereign, to the progressive well-being of the millions committed to our fostering care, and to the security of the Chiefs and Princes of India, as well as of Allies beyond the frontier, in the undisturbed enjoyment of their just rights and hereditary possessions.

It was not to interfere with the honoured and inalienable title which Her Majesty bore in these dominions that this Proclamation would be solemnly proclaimed throughout India; but it was to show the Indian people that the interest which this country bore them was a real interest, and that in the Representative of Her Majesty the Parliament of England also had a Representative who went to them to tie them nearer to itself by bonds of affection and loyalty, and to show on the part of this country that there was between them and Great Britain an indissoluble union.

SIR HENRY JAMES: Will the House allow me to make a personal

explanation? My right hon. Friend has called attention to the fact that I used the word "repudiation." I certainly used the word, but not in the sense attributed to me; I intended only to convey that objection had been taken to reliance being placed on promises which were not made in "another place."

MR. CHILDERS said, he thought the right hon. Gentleman the Secretary of State for War had himself used a most improper expression when he spoke of Gentlemen on that side "spitting their venom" at the Ministry, when the whole of the argument of his hon. and learned Friend was a moderate, sensible, legal, and he might almost say impartial argument, based entirely on documents which he had quoted. After the presentation of Petitions which had occupied some 20 minutes that afternoon, he confessed he was somewhat surprised at the audacity of the right hon. Gentleman—he could not use a milder expression—in taunting that side of the House with having, through a political Association, got up Petitions against the Royal Titles Bill. Nothing of the kind had been done, but exactly what the right hon. Gentleman charged that side of the House with doing had been done by his own Friends. He had seen that day a circular issued by the Conservative Association and signed by a gentleman of the name of Gorst—a Member of that House—which was addressed to the branch Associations all over the country, asking them to send up Petitions—not to express the opinion that the Proclamation was in accordance with the Act, for that was most carefully avoided—but only to declare—what, of course, every Conservative Association would be always prepared to declare—that they had full confidence in the Government. The right hon. Gentleman had gone at some length, and with considerable skill, over the old ground of the merits of the question, but had made suggestions of a very novel character. He (Mr. Childers) had never heard before that it was the province of the House to treat as a Ministerial declaration an expression in a maiden speech of a Member on the Address, such as that of the hon. Member for Downpatrick (Mr. Mulholland), and to protest against the opinions which were expressed in it; but the right hon. Gen-

tleman had forgotten that in "another place" allusions were made in the debate on the Address to the title of Empress, and the objection which had since been taken by the Liberal Party in the House of Commons was taken on the first night of the Session by the Leader of the Opposition in the House of Lords. The right hon. Gentleman, also forgetting the declaration of the Prime Minister that the new title would add to the splendour of Her Majesty's Throne and the security of the Empire, had denied that it could add anything to the splendour of the Throne; and he had given a novel and unconstitutional description of it. He said that the title Empress of India was to be an additional title here, but a substituted title in India.

MR. GATHORNE HARDY said, he did not say it was a substituted title anywhere. He said it was an additional honour and title of the Queen.

MR. CHILDERS said, he was quite ready to accept the explanation; but he certainly did gather from the words of the right hon. Gentleman that in India the Sovereign would be Empress instead of Queen, and here she would be Queen and Empress. He had no hesitation in saying that if that had been the view put forward it would have raised more opposition than the proposed change had now encountered. He was not going to refer at any length to the new reasons given for the Bill itself. In an early part of the Session they had *Whitaker's Almanack*, *Debrett*, and similar publications pressed into service in support of the title, and to-night they had had another almanack. Well, it was said that history was an old almanack, but the Government had apparently improved on that view. According to them, old almanacks made history. They had also a novel view of Ministerial declarations. The question turned upon the difference that existed between the promises of the Government and the fulfilment of them; but when they quoted verbatim the formal declarations on the subject they were told that, although they had quoted many speeches, they must quote many more in order to get at their meaning. But every fresh quotation would strengthen his hon. and learned Friend's case rather than weaken it. What his hon. and learned Friend did was to place on ordinary English words

their plain ordinary meaning. He quoted several sentences in which it was stated that the title was "only" to be used in India. "Oh," said the right hon. Gentleman opposite, "only" did not mean only; something quite different was intended. Then the word "convenient," they were told, was not to be accepted in its ordinary meaning; it had nothing to do with convenience; but meant what the Government thought suitable. In short, the House was not to understand words in their ordinary English sense, but in the sense in which the Government intended them. The right hon. Gentleman, in his rhetorical style and in his peroration, had accused his hon. and learned Friend and the Opposition of dealing "with words and names and things." Why, in this world, words and names and things constituted realities. In this case the "names" were the names of the Sovereign, the "thing" was the conduct of Her Majesty's Government, and the "words" were the words they used. Now, he would just refer to some of those words and names and things, taking care to give the language he might quote in the sense in which it was understood by the House. His hon. and learned Friend contended that the Government had promised that in respect of the new title the colonies should be placed on exactly the same footing as the United Kingdom, whereas, according to the Proclamation, the new title was to be used by them and was not to be limited to India. What reply to that did the Government make? They pleaded, first, that they had not promised to exclude the colonies; and, secondly, that they had excluded them. That reminded him of the old legal plea—first, that the plaintiff never had the goods; and, secondly, that he had paid the bill. The right hon. Gentleman had proved too much, and that very fact showed the weakness of his case. But what were the promises made with respect to the colonies? They were—First that the title of Empress should be localized in and limited to India; and secondly that the colonies should be placed on exactly the same footing as the mother country. The Chancellor of the Exchequer admitted having used these words—"The title of Empress will be a title of a local character to be borne in India." The Prime Minister, on the 23rd of March, used a much

stronger expression—"The assumption of the title of Empress," he said, "is to be limited to India, and to be of a local character." Surely, those words were plain and distinct enough to satisfy any ordinary mind. The Secretary of State for War said they should read the context of quotations; but the context in this case did not qualify the statement in the smallest degree. The statement was precise and definite. Again, they had these words—

"Being an Indian title, we considered that if not used here, it would be used nowhere but in India—a title apposite and appropriate to India. No one suggested that it would be used elsewhere; no one desired to bring it into use elsewhere."

Could anything be clearer than that? It was quite impossible to give those words the restricted sense in which the right hon. Gentleman wished them to be understood. In addition to the words he had quoted, they had a very express declaration by the Under Secretary of State for India. On the 16th of March he said—

"If there was one thing the colonists would resent more than another, it would be that of being placed in a category different from and lower than that occupied by the inhabitants of these Islands."—[3 *Hansard*, ccxxviii. 152.]

That language surely signified that the same title would be used for the colonies as for the mother country. Then the Prime Minister, on the 20th of March, said—

"The proposition to add to the style and titles of the Queen with reference to India is occasioned by the circumstance that a great revolution has occurred in the relations between England and India—between Her Majesty and her Indian subjects. . . . In the relations between Her Majesty and her colonial subjects no such change has occurred. . . . Colonists look upon themselves, and rightly, as brother Englishmen."—[*Ibid.* 280.]

The Prime Minister also used these words—

"It would be a slur on colonists if we drew a line and made a distinction between those of Her Majesty's subjects who live in the United Kingdom and those who are to be found in Canada and elsewhere."

Clearly, therefore, whatever title was to be used in this country was to be used in the colonies also. These promises were plain and positive; how had they been fulfilled? His hon. and learned Friend had referred to the Proclamation.

Let the House mark its effect. Parliament had been told all along that the use of the new title would be localized, and limited to India. Would the House believe that there was no mention of India in the Proclamation except in the recital of the words of the Act, and the Act of Union, and the title "Empress of India." The operative words were that—

"On all occasions and in all instruments wherein Our Style and Titles are used, save and except all Charters, Commissions, Letters Patent, Grants, Writs, Appointments, and other like instruments, not extending in their operation beyond the United Kingdom and its Dependencies. . . . these words Empress of India"

shall be used. Again, when his hon. and learned Friend had quoted the precise words of the Lord Chancellor, he was told that he ought to have referred to a letter that noble Lord had written correcting the report of his speech. Now, he had referred to that letter; it was written by the Lord Chancellor, and had appeared in *The Times* of May 4. In it the Lord Chancellor used these words—

"This Proclamation has not been made or issued in any Colony, and even if it were to be made or issued in a Colony, there are very few instruments indeed in the Colonies in which the full titles of the Crown are used."

The argument, therefore, was that the Government were to be pardoned for their indiscretion, as it would have such a small result. Now, he would show that that proposition was untenable. It was absolutely obligatory to publish the Proclamation in the colonies, for a portion of the Proclamation was—

"And Our will and pleasure further is. . . . that all moneys coined for and issued in any of the Dependencies of the said United Kingdom, and declared by Our Proclamation to be current and lawful money of such Dependencies, respectively bearing Our Style or Titles, or any part or parts thereof, and all moneys which shall hereafter be coined and issued according to such Proclamation, shall, notwithstanding such addition, continue to be lawful and current money of such Dependencies."

Therefore, in every colony where money was coined, or money coined elsewhere was made by Her Majesty's Proclamation lawful money of that colony, it was absolutely necessary that this Proclamation should be made. This extended to all the Australian Colonies and North America, in fact, practically to the whole Colonial Empire. Then, again, it was

admitted that all the appointments by the Queen of the Governors of her colonies and dependencies must in future bear in their commissions the announcement that they had been so appointed in the name of the Queen and Empress of India. He would now tell the House from his own knowledge what happened when a new Governor went to a colony. A public meeting was held, the Chief Justice was present, and administered the oaths of allegiance and of office to the new Governor, and his commissions were read *in extenso*, so that, for the future, in the most public way, the new style and title would be proclaimed. It afterwards had to be published in the Colonial Government *Gazette*. It had been alleged that in the colonies very few instruments ran in the name of the Queen. When he read those words he was very much astonished, because not very long before the Prime Minister said exactly the reverse. These were the right hon. Gentleman's words—

"In the Colonies every act of the Executive runs in the name of the Queen. . . . All civil processes issue under the Crown; Judges are appointed, criminals are arraigned and convicted, and conveyances of land are made," &c. [3 *Hansard*, ccxxviii. 280.]

He had looked in the Library, and he could tell the House that the list of the instruments which ran in the colonies giving the full style and titles of the Queen was as long as the Return which had been laid on the Table that day as to such instruments in the United Kingdom. Copies of such instruments in scores might be read there in force in Canada, Newfoundland, all the Australian Colonies, the Cape, the West Indies, New Zealand, and even Malta. Again, the original powers of a colony with regard to the administration of justice were derived from the Crown. As in the recent case of Fiji, Letters Patent were sent out establishing the Government, forming its Supreme Court, and the Judges obtained their powers in the first instance from the Royal Prerogative. If any new colonies were henceforth established, in New Guinea, Northern Australia, or elsewhere, the Letters Patent would run in the name of the Queen as Empress of India; and thus, if the contention of the Government were correct, you would have a cluster of colonies, some day probably to be united in one Con-

federation, but meanwhile using the name of their Sovereign some as Queen only, and others as Queen and Empress of India. Again, every colony had a seal, which derived its power, not from the Colonial Legislature, but from the Royal Prerogative. A new colony had been formed some time ago by separation from another colony. By some inadvertence the Colonial Office omitted to send out a seal. The Colonial authorities made and used a temporary seal; but the moment the new seal went out it became necessary to give validity to all that had been done before, and an Act was passed reciting the facts and setting forth that the new seal had been brought into operation. On every occasion of the demise of the Crown it was necessary to issue to every colony a new seal. Upon this seal what would be expressed? These seals had the full titles of the Crown, and if they did not bear the title of Empress of India, still greater confusion than that which he had already pointed out would be the result. Another case might be put. Writs emanating from the Supreme Court of a colony set out the full style of the Crown. It was said that it would rest with the colony itself to decide whether those writs should bear the title of Empress of India. But the Supreme Court was also the Vice Admiralty Court, drawing its entire jurisdiction from the Admiralty Court in this country. It was manifestly necessary that the Vice Admiralty Court of the colony should use the full style and title of the Crown, because it was not only an Imperial and Colonial Court but an International Court. What, then, would be the result if in one jurisdiction the style of Empress was used and in another it was not used? These were practical difficulties in the way of the suggestion made by the Secretary of State for War. But there was a difficulty of much greater importance. It had been suggested that it should be in the power of each colony to decide whether or not it would use the whole of the Queen's title in instruments which had a colonial effect. Now, Her Majesty was Queen "by the grace of God," and also "Defender of the Faith." There were some persons—though, he hoped, only a small minority—who would wish to omit the words "by the grace of God;" but in certain colonies the great majority of

the people belonged to a religious denomination to which the title of "Defender of the Faith" was unpalatable, and they would like to omit it. If, therefore, as was suggested, the colonies might alter the Royal style in local instruments, he warned the Government that attempts might be made to omit the words "Defender of the Faith." This was a grave difficulty which ought to have been well weighed by Her Majesty's Government before they put forward the dangerous doctrine as to the power of colonies to alter the style of the Crown. The end of all this would be that, owing to the Proclamation, there would be not only grave inconveniences but the greatest confusion, and the whole method of proclaiming the Royal style and title would be a muddle from beginning to end. The best thing for the Government to do would be to admit that there had been—not a breach of faith, because his hon. and learned Friend never said there had been a breach of faith; his language on this point was cautious and temperate; but to admit that in this matter there had been grave and culpable carelessness, evidence not only of precipitation but of very considerable ignorance. If the Government would admit this, the best thing they could do would be to bring in a Bill enabling them to withdraw the Proclamation and proclaim the addition to the Royal title in the manner in which it was promised to Parliament. The country would then be saved from the carelessness, ignorance, and precipitation of the Government, the end of which they had not at all foreseen.

SIR H. DRUMMOND WOLFF said, he could not recommend the Government to take the advice given them by the right hon. Gentleman to bring in another Bill for another series of debates and divisions and Motions, which would make the question an interminable one. As to the present Motion, he thought, with the Secretary for War, that it was hardly possible to look upon it as serious, being supported merely by clippings from newspapers—detached passages, without the context. The complaint on the other side resolved itself into that urged in "another place" by Lord Selborne, that the Government had promised, negatively, that the style and title of Empress should not, when it could possibly be avoided, be made use of in

Great Britain and Ireland, and, positively, that the new title should, as far as possible, be limited in its use and localized in India. Lord Selborne referred principally to the words of the right hon. Gentleman at the head of the Government which had been already quoted that evening. Those words gave a very wide margin for exceptions to the rules; because it was impossible that the title of Empress of India could exist as a part of the titles of the Sovereign without there being some occasions on which, even in the absence of direct reference to India, it must be used in this country. It appeared to him that for the purposes of this Act the Governor of a colony came within the description of a diplomatic functionary, and consequently confusion might arise unless the title of Empress of India was used in the instruments by which he was appointed. This might be done consistently with the statements made by the Government and with the exceptions contained in the Proclamation. Singapore, Ceylon, the Straits Settlements, Mauritius, and Hong Kong were so mixed up with India that we could not carry on their governments unless the Governors were to represent our Sovereign not only as Queen of the United Kingdom, but also as Empress of India. In reference to certain objections urged by the hon. and learned Member for Taunton (Sir Henry James), he remarked that the title of Empress would fitly be used in the appointment of the Lords of the Admiralty. Their jurisdiction extended over the whole world wherever there was sea, and, at least in theory, they might have to take command of a squadron in India. As to the Secretaries of State, no departmental distinction was ever drawn between them. Any of them might be called upon at any moment to act for the Secretary of State for India, and they must have the same Warrant. In the Address in reply to the gracious Speech from the Throne there was not a word about localizing the title. At that time the House unanimously accepted the principle of an additional title. The question of localization only cropped up when, by some reason, the Opposition wished to object to the particular title which the Government thought right to propose. It was very easy to adopt such a method of warfare. The weapon was, in fact, a shell invented during the course

of a protracted siege, but with so slow a fuse that it did not burst until the siege had been raised. The present was not the first instance since 1801 that a new title had been given to the Sovereign of the United Kingdom. In 1815 the King of the United Kingdom of Great Britain and Ireland assumed the title of King instead of Elector of Hanover. He did this as King of the United Kingdom of Great Britain and Ireland, as might be found in the Treaty of Vienna, and he then published a Proclamation whereby he decreed that an escutcheon of pretence, bearing on it the arms of Hanover, should be placed on the arms and coinage of the United Kingdom. The King also founded the Royal Guelphic Order, the decorations of which were still recognized in England. He did not mention this as a precedent for anything to be done now, but merely in order to show that when we consented to give an additional title to the Sovereign, even though the title was a foreign one and did not carry any weight in this country, it was a difficult thing to lay down a hard-and-fast line that that particular title should never crop up in matters affecting this country. In Hungary there was the greatest jealousy of the title of Emperor of Austria; but on the coinage the title was kept as a subsidiary or additional title to that of King of Hungary. Numerous titles were also recited in Austrian State documents. The Emperor was King of this place, Grand Duke of another, and these titles were recited, not for use in Vienna, but for the purpose of localizing power and showing where particular functions were to be exercised. He would also instance Sweden and Norway, which countries were extremely jealous of each other. There, though the title immediately applicable to Sweden was used first in Sweden, and that applicable to Norway first in that country, yet in both countries the two titles were used. Now, India was part of the British Empire, and hon. Gentleman must not run away with the idea that the use of the title "Empress of India," even in this country, in connection with matters of great Imperial importance, was in contradiction to the spirit or the substance of the promises which had been made by the Government. When the East India Company was done away with it became

necessary that the Queen should take some title which should indicate the manner of her succession to the function and powers of that Company. She could not take the title of "Company," and the title of Empress was, he maintained, the only one which really corresponded with such a position. As had been well observed by the hon. and learned Member for Sheffield (Mr. Roebuck) in a recent debate on the subject, we looked upon that title at the present moment as coming from the word "Empire," and not "Imperator." The case of the German Emperor was, he thought, entirely applicable to the question under discussion, because while, in that case, the title of Emperor was used for Imperial purposes, it was not used for matters which merely regarded his own kingdom of Prussia, and the King of Bavaria, in offering him the new title, employed language to the effect that the Presidential rights of the Confederacy should be coupled with the Imperial title. Again, when in 1858 the Proclamation was issued by which Her Majesty assumed the rights of the East India Company, she did so in a capacity not adequately expressed by the title of Queen, inasmuch as she did so not as Queen of the subjects of the Native Princes, but as having suzerain rights over the Princes themselves. That was recognized by right hon. Gentleman opposite, too, when the Order of the Star of India was founded, for the qualifications of persons who were to be admitted to that Order were described in the Queen's Patent as being for "meritorious services rendered to our Indian Empire;" whereas in other Orders the qualifications were set forth as being for services rendered to the United Kingdom in certain territories. In December, 1858, a letter, he might add, had appeared in *The Times*, in which it was stated that Her Majesty was hailed everywhere in India, on assuming the place of the East India Company, as "Queen of England and Empress of Hindostan." The title of Empress of India localized itself. It represented duties. They could not deny the title without also denying those duties; and, as a Member of that House not tied down by any forensic technicalities, he considered the Government in connection with it—and he hoped the division that evening would

Sir H. Drummond Wolff

support that view—had acted in perfectly good faith, had redeemed their pledges, and were worthy, not of the censure, but of the confidence of the House. He was glad, however, that the Motion had been brought forward; for in rejecting a useless Motion the House would allay a senseless agitation invited by a clique and scouted by the people—an agitation quite as unmeaning as that which assailed the introduction into this country of the Gregorian Calendar. For what was done then was all that was done now—a fact was declared to be a fact, and the Sovereign of the United Kingdom was proclaimed in name what she was in reality—Empress of India.

MR. BUTT said, as he did not intend to take any part in the division, it would be unreasonable for him to trespass very long on the House, and he would only ask attention for a very short time while he stated the reasons which rendered him unable to support the Motion that had been made. He might say, in the first place, that he spoke merely his own sentiments as an individual. Sometimes he was permitted to speak for others on questions which those who acted with him thought unimportant; but this was not one of those questions. There was no person in the House who entertained a stronger feeling on the Royal Titles Bill and the assumption of the title of Empress than he did; but he was afraid it was now useless to argue that question. He could only hope that the mischief which he had anticipated and which, he was sorry to say, he still anticipated, from the adoption of that ill-advised step, would not be realized. He believed it would be the anxiety of everyone of them to endeavour, as far as they could, to avert the mischief which would follow, if ever the title of Empress became indigenous in England; but, feeling this, he must recollect that the Motion before the House had no relation to the policy or impolicy of the assumption of the title. It could do no good. If it were carried, and a change of Ministry followed, the Ministers who would succeed to office must use the title of Empress of India in every case in which the present Ministers would use it. The Act and the Proclamation were irrevocable, and all they could do now was to make the best of it. But he must say there was reason for holding

that the Proclamation—he did not like to use the word miscarried—but it was not framed as carefully as it ought to have been framed with reference to the assumption of that title in Colonial documents. Was that, however, a case for the grave step of censuring the Ministers? Before he could vote in support of a Vote of Censure upon the Ministers, he must remember what had occurred. There were opportunities in that House of discussing the limitations that ought to be put on the title. On the 16th of February leave was given to bring in the Bill; on the 7th of March it was read a second time without a division, and on the 20th they went into Committee. There was, however, a Motion made by the noble Marquess (the Marquess of Hartington) against the title of Empress, and that was defeated, he thought, by a majority of 305 against 200. It was true that a division was taken on the third reading of the Bill, but it was by mere accident and quite unpremeditated. He must say that if there really was that strong feeling in this country against this Bill which many persons supposed, if others felt as he felt on the subject, that was a paltry account of an opposition to a measure involving great principles. It passed that House and went to the Upper House, and after it had gone there, a question was raised as to the impossibility of localizing the title, because the title of the Queen being one and indivisible, it must be used throughout all her dominions. They then learned from the usual organs of public opinion that somewhere or other—he would not say where—Ministers had stated that it was their intention to limit the application of the title not by Act of Parliament, but by the Proclamation. What followed? They also were told that eminent lawyers had doubted whether that would be in strict accordance with the Act of Parliament. When that question was raised a totally new issue which had never been before that House arose, that was as to limiting the application of the title by Proclamation. There were some who thought that gave them a fair opportunity of discussing the question, and the hon. Member for Hackney (Mr. Fawcett) put a Notice of Motion on the Paper. Had that Motion been discussed the whole question of the limitation of the title by the Royal Proclamation might have been the subject

of debate, and the House would not have had to trust to vague recollections of what had been said in previous debates. He did not say that such a Motion would have succeeded; but he believed it would have modified the action of the Government in drawing up the Proclamation. The Prime Minister upon that occasion made an offer—he would not call it the generous offer—to allow this Motion to come on. He offered Monday for this purpose if two hon. Gentleman who had Notices of Motion put down for Friday would give way and allow certain Government Business to come on upon that day. The noble Marquess deliberately told the House that if he had asked his two Friends to give up their Motions he was certain they would have done so; but that the Motion of the hon. Member for Hackney did not appear to him to be of sufficient importance or urgency to justify him in making that request. Those Notices were not without importance. One related to Public Schools and another to a Central Arsenal; but they were neither of them subjects of great State policy; and if the noble Marquess had allowed the Motion of the hon. Member for Hackney to come on, the Government might have been warned as to the feeling of the House on the limitation of the new title, and the Proclamation might have been far better framed. The noble Marquess gave another reason, for he said that the Motion would come on upon the day before the holidays, when there would be a thin House, and that it would have been difficult to induce Members to remain in town for another day. So that the House was told that the question was regarded of so much importance by his Friends that they could not be expected to remain in town one day longer. It was not for him to criticize the course taken by the noble Lord, who was the best judge of what should be done; but he would say that every Member of that House who was now asked to join in this Vote of Censure was placed in a very unfair position. As long as there was a probability of altering the terms of the Proclamation and limiting the application of the title of Empress, the Motion of the hon. Member for Hackney was declared to be of no importance compared with the Notices of two Members of the Opposition, or with detaining Members in town for

another day. With every respect for the noble Marquess, he must decline to follow him in that course. And he felt that, when he refused to obtain a day for the Motion of the hon. Member for Hackney, the time for discussing it with any advantage had passed away from the House and the country. There was another opportunity after the Recess. The House met on Monday, the 24th of April, but the House of Lords did not meet until the Thursday following. There were therefore three or four days within which the House might have discussed the question and presented an Address to Her Majesty as to the way in which the power should be used which had been granted to the Queen. Again the hon. Member for Hackney made an attempt to raise the question. In despair, he put his Motion in the form of a Vote of Censure upon the Ministry, thinking that by so doing he might induce the Leader of the Opposition to adopt it. That Motion died, however, under the cold shade thrown over it by the front Opposition bench. The noble Marquess again declined the discussion; and was it fair to expect him as an independent Member, bound to no Party, to join in a Vote of Censure after the opportunity for discussion had been twice declined, although it might then have had a practical effect and modified the terms of the Proclamation? The House was now discussing this question, and all the great interests involved in a Vote of Censure upon the Government, upon points depending upon the doubtful construction of the doubtful words of different Ministers. The question was what had been said on one day by the Lord Chancellor, and what had been stated by the Lord President on another. The First Lord of the Treasury had said so-and-so; but if they would look a little further down the columns of *The Times* they would find that something had been said by somebody else, and that, at all events, the Chancellor of the Exchequer had made a different statement. He would say, with great respect, that this was embarking the House in a debate which was dwindling down into something more like an alternate altercation between angry schoolboys than the grave deliberations of a Legislative Assembly. The more he reflected upon the greatness of the questions involved, the greater the objection he felt to enter upon

sion of that which was now irre-
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issue was perilling the honour of the
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oble and wrangling. For these
ns he was unable to support this
on. He thought there were grounds
aying that the Proclamation had
carelessly framed, and at one time
ad felt inclined to move the Previous
tion. Perhaps, however, if anyone
so he would find himself in the
ion of an Irish constable who should
apt to interfere between two con-
g persons who were determined to
it out. As far as he was concerned,
fore, he should remain neutral. He
not quite shut his eyes to the pre-
tate of Parties; and, having regard
principles that would always guide
n whichever side of the House he
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s, he saw no practical result as
to follow from the division—
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LOPES held that the question
the House was a very narrow one.
the walls of that House strenuous
ortive efforts had been made to
idicule upon the Government in
to the Royal Titles Bill, while
that House the supporters of the
ment had been charged with
subserviency to Party considera-
Hitherto, however, no one had
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ng the conduct of the Government
he hon. and learned Member for
on (Sir Henry James) had given
an opportunity of vindicating it.
most valid argument in their favour
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ank the hon. and learned Member
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ed after much anxious consideration
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bers for Taunton and Oxford, and
as nothing less than a distinct in-
ment against the Government, charg-

ing them with having given under-
takings to limit and restrain the title
of Empress, and with afterwards vio-
lating the arrangements they had made.
The hon. and learned Member for Taun-
ton certainly intended to convey by his
speech that night and by his Motion that
the Government had deliberately violated
their engagements. That was about as
grave a charge against a Government as
could well be conceived; because, if well
founded, it would render the Govern-
ment unworthy of the confidence of the
House and the country. It was, how-
ever, a charge which the House would
not entertain unless it was satisfactorily
established; and what was the evidence
upon which it was founded? It was a
series of declarations on the part of the
Government, made at different times, in
different places, in different terms, and
with different surrounding circumstances.
It might be possible to pick out isolated
expressions that might bear the meaning
sought to be attached to them; but no
frank and candid mind would doubt
that the Government had in good faith
fairly fulfilled every promise and engage-
ment that they had ever made during
the progress of the Royal Titles Bill
through Parliament. Before the House
could adopt this Vote of Censure it must
be satisfied as to the promises alleged to
have been broken, and the construction
to be put upon the statements on which
those promises were founded. The Pro-
clamation, he admitted, might have been
drawn in a more concise form than that
in which it appeared; but, divested of
its verbiage, what did it mean? It
meant this—that whenever it was custo-
mary and convenient to use the Royal title
and style it should be used with the addi-
tion of the title of Empress of India, but
that such addition should not be used in
any English official document of any sort
or kind. That he regarded as the true
construction of the promises made by
Her Majesty's Government, and he be-
lieved that they had been most ade-
quately fulfilled. But what, he asked,
had led up to those declarations being
made? It was announced in the speech
from the Throne that an addition to the
Royal title was to be made, and the an-
nouncement was received by the Press
and the public with, he might say, uni-
versal acclamation. Thus matters con-
tinued until the middle of March, when
a panic occurred, from what cause arising

he knew not, probably from the speech of the right hon. Gentleman the Member for the University of London (Mr. Lowe), who stated that the ancient title of the Crown was about to be impaired. In view of that crisis, the Government gave an undertaking that the new title would not come into use in this country, and the Proclamation excluded its use from any official document. What, then, remained for the Government to do?—for it was impossible to exclude it from verbal use. “But then,” said the hon. and learned Member for Oxford (Sir William Harcourt), “you have broken faith with us, because you said you would confine the title to certain diplomatic documents.” Well, the answer was that that was not so. The engagement was that the title should be locally applied in India, and it was added that it should not appear in any documents relating exclusively to the United Kingdom. On the 20th of March the Prime Minister emphatically disavowed any intention on the part of the Government to advise Her Majesty to use the additional title of Empress, except in reference to India, and the noble Lord the Leader of the Opposition, accepting that statement, said that what he apprehended was that once the title was assumed it would gradually come into common use and appear in official documents. The noble Lord then referred to the Amendment of the hon. Member for South Durham (Mr. Pease), which was then before the House, which excluded the use of the title from the United Kingdom. But the Proclamation carried out that Amendment in its spirit. For all purposes, Her Majesty would govern the United Kingdom as she had hitherto governed it; but he could not agree that they were to interfere with the Prerogative of the Crown, and say that, under no circumstances, should Her Majesty be acknowledged as Empress of India. There was no hon. Member of the House who was more acute in understanding the meaning of declarations made than the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), who, in a speech he delivered in one of the stages of the Bill, said, referring to the Prime Minister—

“The right hon. Gentleman at the head of the Government had refused to be absolutely bound to exclude the recital of the proposed Imperial title from every document not relating

specifically to the business of India.”—[*Hansard*, ccxxviii. 328.]

These words showed clearly and unequivocally that the right hon. Gentleman perfectly understood the meaning of the statement that had been made by the Prime Minister and the intentions of the Government in reference to the measure. If anything were wanting to show that the right hon. Gentleman was aware of the views of the Government it was to be found in the speech which he delivered on the third reading of the Bill, when he said—

“We understand from the Government that it is their intention that this title shall be, as far as possible, only employed as a local title. The right hon. Gentleman the Prime Minister has felt it necessary to say that it cannot be made absolutely local.”—[*Ibid.* 481.]

It was quite plain, therefore, that the intentions of the Government were clearly understood, and he maintained that the Proclamation was an honest carrying out of the policy they announced from the outset. The statements of the Government in that House were sufficiently explicit but in the House of Lords they were, if possible, even more clear and full. The Lord Chancellor stated on the 3rd of April that the Proclamation to be issued would comply literally with the engagements given in the House of Commons; and on another occasion he said there would be no difficulty in giving effect to the intention of the Government to except from the operation of the Bill all commissions, writs, and similar documents operating in the United Kingdom. If any doubt remained at the time when the measure reached the Upper House, nothing would have been more easy than to question the Government on the matter. They were to-night considering niceties of expression and language and subtleties of words, and he doubted whether these were matters on which the country took much interest. The people of this country took a broad and statesmanlike view of the position. They believed that the Government intended by their declarations that Her Majesty was to be Queen in England, and Empress in India, and that they had honourably fulfilled their promises. They were satisfied with what had been done, and he believed the time was not far distant when hon. Members opposite, who now looked at the Titles Act through

a jaundiced medium, would candidly confess that the policy of Her Majesty's Government had been wise and judicious, and that it was calculated to consolidate and promote the interests of this mighty Empire.

MR. PEASE said, he thought it was too late to recall the decision at which Parliament had arrived in passing the Bill; but, at the same time, it had a perfect right, if it chose, to express an opinion that there was a marked difference between the Proclamation that had been issued and the Act that was passed. He entirely disagreed with the right hon. Gentleman's (Mr. Hardy's) estimate of the public agitation on the Bill when it was before the House. Throughout the whole of the North of England there had been a decided and earnest feeling against this measure. This feeling was evidenced in his county by meetings in every town and village, and he was not aware that the slightest exertion had been made to secure local support for the opposition against the measure. The Bill was not complete without the Proclamation, and the Proclamation could not be made without the Bill; but he should be able to prove that what they now beheld was a very different child from what had been promised them. The enabling portion of the measure was the Act of Parliament, but the enacting portion was the Proclamation. Knowing that the Proclamation must follow the Bill, he ventured to place on the Paper the Amendment which had been so much alluded to both there and in "another place." He doubted very much the policy of applying this measure to India; and, on the contrary, he was inclined to regard it as an insult to the Indian people to cause Her Majesty to be described in India by a style and title different from that by which we liked to know her at home. The only question he had to decide in his own mind was as to the manner in which Her Majesty's new title was to be restricted to India; and therefore it was that he appealed to Her Majesty's Government to promise that a record of its limitation should be placed on the face of the Act. Eventually he consented to withdraw his Amendment, trusting to the promises which had been made by Members of the Government. The Chancellor of the Exchequer asked him to withdraw his Motion, lest by it

he should imply a want of confidence in the Government, and he did withdraw it. They pressed the Government for explanations, however, and at length arrived at this declaration—that the principle of the Proclamation was to be localization. Instead of any such localization, however, the Proclamation gave to the use of the new title, with few exceptions, a very wide application, and the country was not to be convinced that the indication of the Proclamation as given by the promises of Ministers, and the Proclamation itself, were one and the same thing. It was now evident that the use of the full title was to be thrown broadcast before the people, who might either use it or leave it alone. He regretted that the Chancellor of the Exchequer had supported this measure with an earnestness in which he feared that he would forget his position as a statesman in that of the advocate. He supposed he should be asked if he were prepared to charge the Government with a breach of faith. That was the gravest charge possible that could be levied by one Gentleman against another; but such a charge, if possible, was still graver if levied against a responsible Government. He was not at all prepared to make such a charge; but it seemed to him that they were open to the charge, also a grave one, of going into the matter of this Royal title without contemplating, or properly contemplating, where they were going to. It was a piece of haphazard legislation—a going about seeking for a policy. The whole measure was a blunder from the beginning, and it remained to that hour a tissue of blunders. It had been said that there were no Petitions. The difficulty about petitioning was that people did not know what they were petitioning about. When the right hon. Gentleman the Member for the University of London (Mr. Lowe) stood before the House the other day in an unenviable position, and in that penitential garb which he so properly assumed, he felt that, though he regretted the mistake the right hon. Gentleman had made, great good had arisen out of it, as the House now knew for the first time that no Minister at any time had been asked by the Sovereign for this title, and the only argument which had occupied the minds of men—an argument which could not be used in this House—was swept

away; and had Her Majesty's Government looked at the question as they did now, he believed they would not have attempted the initiation of the Bill, which, whatever might be said to the contrary by hon. Gentlemen opposite, had not been regarded with favour by the country at large. The only point before them that evening was that which had been raised by his hon. and learned Friend (Sir Henry James)—namely, how far the intentions of Her Majesty's Government, as expressed in their behalf both there and in "another place," had been carried out by the Proclamation which he had criticized? He felt that no one could read the declarations made by the Government, and also the Proclamation, and then say that the two were consistent; and he should, for those reasons, support the Motion of his hon. and learned Friend.

MR. GRANTHAM said, the House should deal with this question, not in the pettifogging way in which Members on the Liberal side of the House were inclined to treat it, but on the broad ground of statesmanship and of confidence or not in Her Majesty's Government. If treated in that way they would see that the objections introduced in this House and caught up, he admitted, by the people of London, were mere cobwebs, and that Her Majesty's Government were worthy of the confidence not only of their supporters, but of the great majority of the people of this country. First, they had to ask themselves what was the object with which the Government had introduced the Bill; and, secondly, what were the fears that its introduction had aroused, and then they must look at the Proclamation to see whether or no those advantages would be obtained, and whether or no those fears would be now realized. First, the object. It was, if he understood it rightly, to bring together into the focus of political unity the varied interests of the peoples and Princes of India, so that although the Rajahs and Maharajahs, Begums and Nizams, and all the other different Chieftains and Sovereigns of that country held their territories with different titles and with different authority relative to each other, and differed again in their relative positions towards the Throne of England, yet that they should for the first time in the history of the world be all collected

together under one Sovereign. One Sovereign whom they could call their own, one Sovereign whose power was not only greater than either, but greater than that of all of them together, and yet who was not the mere Representative of a foreign Power, but was their own Ruler, their own Empress. As Queen of England she could but rule over them as a foreign Power, and they were always reminded by her name and title of their being a conquered people, but as Empress of India they could rally round her Imperial standard as the standard of their own, their native land. This might be mere sentiment, but all patriotism was sentiment. At present there was nothing to unite these Princes and Powers together, for they were different, many of them, at least, in religion as well as in race, and the only idea which would unite them would be the desire to drive out their common conqueror; but now they ceased to be subject to one who was only Queen of a foreign land; they would be subject to their own Sovereign. Then, see what an opportune moment had been chosen for this change. It was proposed now as an acknowledgment of the loyal and affectionate reception given by the inhabitants of India to the Prince of Wales. He went there the heir of their conquerors; he left it the adopted heir of their Throne; he went there unknown, except by reputation; he left it beloved by the people and the friend of every Chief; he found it a country divided, though brilliant as the stars of heaven; he left it united into one great Empire, whose glory was only equalled by the Eastern sun. Was not this an object worthy of their consideration? Was not the Government which had sent him to India, and which had brought about such a change, worthy of the confidence of their country? Next, what were the fears which had been created by the introduction of this Bill? Why, either that the Queen and the Royal Family would get so enamoured of the title of Empress that they would wish her to become Empress of England, or that the people would out of mere fulsome flattery, endeavour to change our good old title of Queen. What absurdity! It was admitted that the title of Queen did not represent, and could not represent, our Power in India. It was equally admitted that Empress did not

represent her position in England. Could we not trust our Queen and our countrymen to abstain from such unpatriotic wishes? But, even if they gave way to them, did not the Proclamation prevent the use of the word *Empress* as one of the styles of her title in Great Britain? It was admitted that it did. What more, then, was wanted? Just as well say that the Peers of England would be ashamed at hearing their second titles pronounced, that the Earl of Derby would be ashamed to hear that he also bore the honoured name of Stanley—a name under which his ancestors had won their glory, as that we of England should be ashamed to know that our Queen or King acknowledged the glorious victories of our soldiers and the wisdom of our statesmen by being called also *Empress* or *Emperor* of India. If this effort to bring together into the focus of political unity was worth an effort, could any policy be imagined more likely to frustrate its object or to minimize its advantages than that adopted by the Opposition? Their conduct, the storm that they had raised against the word *Empress*, the awful fear that they said they felt, had been sufficient to frighten a far less sensitive people than the inhabitants of India. They must think there was some poison in the cup we were offering, or that it would change the freedom and liberality of English government of the 19th century into the tyranny and narrow-mindedness of the middle ages. It would make them think that this proffered Crown, instead of being a diadem of peace, was, indeed, a crown of thorns. Could they have so acted with the intention of so injuring their country? He thought not. He thought no one in this House could be so base. We must look round, therefore, for some other reason, and in the history of Parliament we find it. History sometimes reproduced itself, and it had done so now. They had only to search the records of *Hansard*, and they would find that this was not the first time in which India had been made the battle-ground of political Parties, not the first time that a Liberal Opposition had attempted to get back to power by sacrificing the interests of India to the chance of overthrowing a Conservative Government. In 1858, when the Conservative Government condemned the policy of confiscation adopted and announced in the famous Proclamation of

the Liberal Viceroy, Lord Canning, the Conservative Government condemned it, whereupon a great and factious attack was made by the Liberal Party against the Government, because of the publication in England of Lord Ellenborough's despatch condemning that policy of confiscation, and insisting that it should be withdrawn. The same noble Lord was put forward then as moved the hostile Resolutions in the House of Lords the other day. The same noble Lord then, as now, announced that he was not actuated by Party motives. He literally called God to witness that he at least had no factious motive, and I suppose thanked God that he was not like poor publicans and sinners. What said the independent Liberals of that day, men still in the House, men who refused then to be dragged through the mire and to dishonour their country for the sake of obtaining a Party victory? What said the hon. and learned Member for Sheffield (Mr. Roebuck)? [See 3 *Hansard*, cl. 767, 772.] What said the hon. Member for Swansea (Mr. Dillwyn)? [*Ibid.*] Was not this a reproduction of those scenes? He appealed, therefore, to those whose independence was not yet lost to oppose this Resolution, and he believed that not only would those who wrote their history of these times, but even that public opinion which was said to be against them, would applaud the conduct of Her Majesty's Government, and condemn this Vote of Want of Confidence and the policy of the Opposition as being unworthy of any great Party, and not likely to restore to the Liberals the appellation of that name.

DR. KENEALY said, that having on a former occasion spoken and voted against the Royal Titles Bill, he felt that he ought to state why he had no sympathy with the present Motion, and why he should vote against it. He cordially sympathized with the language of the right hon. Gentleman the Secretary for War, who said that he was unable to understand the terms and the object of this Resolution. Having read the Resolution very carefully, he (Dr. Kenealy) had come to the same conclusion, and was equally in the same mist and fog as the right hon. Gentleman. He hardly thought the attention of the House had been sufficiently called to the extraordinary language of the Resolution, which said that—

"Having regard to the declaration made by Her Majesty's Ministers during the progress of the Royal Titles Act in Parliament, this House is of opinion that the Proclamation does not make adequate provision," &c.

One single declaration was pointed out by the hon. and learned Gentleman who put it upon the Paper; but he cited half-a-dozen declarations without telling them exactly upon which one he asked the House to affirm the Resolution. The Resolution was involved in a cloud of words; it was evidently framed with the purpose of concealing what it meant. The present movement was part of that which had evidently been concocted out of doors by the Liberal Party, who were now grown desperate in their hunger after office. They had stirred up their Press and had set to work all the machinery of Party against the Government. It had been generally announced to the public at those meetings which had been held on this subject that the Ministry had violated every principle of good faith, and were no longer worthy to occupy the Treasury benches. But they had uttered very different language in that House that night, and he had not heard from the hon. and learned Member for Taunton (Sir Henry James) any charge of breach of faith on the part of the Government—any imputations of falsehood such as had been freely indulged in out-of-doors. The right hon. Gentleman the Member for Pontefract (Mr. Childers) had said that they had been guilty of great carelessness, and other hon. Members had stated that they had been guilty of a series of mistakes; but surely they were not going to turn out the Government because they had been guilty of carelessness or had committed one or two mistakes. If every Government were to be turned out on such grounds, he did not know when it would be possible to have a permanent Government in this country. There was not one of them that did not commit both offences. What he wanted to know was, what was the charge against the Government? If the hon. and learned Member for Taunton and those who supported him had convinced the House that the Ministers had been guilty of a breach of faith he should have gone into the Lobby with him; but having heard the charges and listened very attentively to his speech in support of them, he found that every one of them,

when fairly examined, vanished like mist into thin air, leaving himself and his charges like Robinson Crusoe—on a desert island. The speech of the hon. and learned Member for Frome (Mr. Lopes) had been unanswered. Nothing could be more clear than that the Prime Minister on the occasion referred to expressly used language, showing beyond an atom of doubt that the title of Empress was to be exercised solely and absolutely in India. An attempt had been made to confound the words "used" and "exercised;" but politically speaking, there was a great difference between the two. The language used by the Prime Minister here, and by the Lord Chancellor in "another place," was precisely that which was used subsequently in the Royal Proclamation. They could not shut their eyes to that fact, however much the hon. and learned Member for Taunton might involve his Motion in a cloud of words which nobody could understand. It was perfectly clear that the Ministry had not been guilty of any breach of faith in this matter, and therefore he wanted to know why they were to be visited with a Vote of Censure. The hon. and learned Member for Taunton told them that promises had been given which had not been fulfilled. What did the hon. and learned Member mean by that? Did he mean distinctly to charge the Government or their Representatives with having made promises which they intended wilfully to break? He would not tell the House, but left them still in the clouds and mists—reminding him of the old line—

"Willing to wound, and yet afraid to strike."

The hon. and learned Member insinuated various charges of bad, disgraceful, dishonourable conduct against the Government; and then, when some right hon. Gentlemen on the Ministerial side asked him to define what his charges were, he flew off at a tangent and vanished into mist, like some of the gods of old, leaving nothing but a cloud which one sought in vain to seize. Take, for instance, the absurd accusation with reference to Army commissions. It was made matter of complaint that the words "Empress of India," would appear in these. Now, it was certain that such commissions must contain the full title of the Sovereign. Did the hon. and learned Member contend that whenever

a regiment was ordered to India, a new set of commissions with the word *Empress* was to be made out; and when the regiment was ordered home these commissions were to be cancelled, and an entirely different set made, excluding the word *Empress*? Such an argument would be ludicrous. It would amount to nonsense; and it could not be seriously urged in such an Assembly as the present. So with writs. There was no obligation, by any law or statute that he knew of, to insert the full title of the Sovereign in the common writs that were issued from day to day. It was simply usage. Did any sane person seriously suppose that any one would ever insert the words "*Empress of India*" in the bits of parchment commanding an appearance in the case of John Doe and Richard Doe? Yet that was the sort of argument—if it could be called argument—which was gravely put, or rather was insinuated by the hon. and learned Member. As to patents, the Secretary of State for War had demolished that plea, and had demonstrated conclusively that the hon. and learned Member for Taunton was either ignorant or disingenuous, and he left him to choose which horn of the dilemma he would hang himself upon. Now as to the charters and grants. What harm there was in calling Her Majesty *Empress of India* in certain grants, he was unable to discover, and he should like to see really pointed out some of those evils that would result from it. Another favourite accusation was that this title ought to be localized. But it was absolutely impossible that a title which appertained by right to the Imperial and Royal title of the Queen of England could be localized in India. That was admitted by the right hon. Gentleman the Member for Greenwich (Mr. Gladstone). He (Dr. Kenealy) wanted to know what harm there was in calling Her Majesty *Empress of India*? He should like to have had some of the evils results pointed out. He had not heard any. The right hon. Gentleman the Member for Pontefract (Mr. Childers) anticipated some extraordinary things which were going to happen with regard to the colonies. Some discontented or disaffected colony was about to find fault with the title of "*Defender of the Faith*," and to remove it from the series of titles given to Her Majesty; but when that occasion arose, when this

discontented colony was about to interfere with the Royal titles, he had no doubt the people of England and their Representatives in that House would be able to deal with that particular difficulty. The colonies were placed by the Royal Proclamation in precisely the same position as the United Kingdom. Her Majesty's title of *Empress* would never be used in any colonial document in which it would not be used in any document in England; so that the colonists were only as badly off as we were in England, but he confessed he had no sympathy for that grievance. It was argued that the title had already been used by the Corporation of Dublin under the authority of Sir Bernard Burke. He thought that argument might well be ranged with *Whitaker's Almanack* and the young lady's geography about which so much had been said—for both were equally beneath contempt. It might be asked why, in addition to the reasons he had given, he could not support that Motion. He should speak frankly and bluntly, because he considered it was wholly and absolutely a factious Motion. He believed there was not one atom of true patriotism—no real love of England or the Constitution of England, no real fear that the use of the title of *Empress of India* would invalidate in the least degree the rights and liberties of the People, which were supposed to be invaded. Why, those who now put forward this argument about the *Empress of India* were the very persons who in 1858 proclaimed Her Majesty *Empress of India*. ["No, no!"] Yes, he knew what he was saying. They issued a Royal Proclamation, in which Her Majesty was proclaimed *Empress* in every dependency of hers in India, and now they came or rather rushed forward and said that the whole Constitution of the country was going to be destroyed—that we were all going to be made slaves for the rest of our lives—because Her Majesty had been made *de jure* that which she was made *de facto* in 1858. There was a great deal of the out-door agitation that had been got up on this matter, which was perfectly hollow, hypocritical, and was founded on wounded personal vanity and conceit. On the first discussion which took place in the other House on this subject, the Leader of the Opposition (Earl Granville) complained with some bitterness that the

Government had been guilty of the unusual discourtesy of not communicating with him and his fellow-leaders beforehand with respect to the proposed innovation. That seemed to be the gravamen in the noble Earl's mind. But the right hon. Gentleman at the head of the Government did not choose to do that. He preferred to rely on that great and powerful majority which he possessed, and not thinking it worth while, he supposed to smooth the matter over in any way, he might have said to himself as Alexander Selkirk did—

“ I am monarch of all I survey,
My right there is no one to dispute ;
From the centre all round to the sea
I am lord of the fowl and the brute.”

A great deal of this factious or fictitious opposition had evidently been got up because certain polite and friendly communications were not made to the other side by the right hon. Gentlemen who now occupied the Ministerial benches; and was the House, because of that want of courtesy or consideration, to be led by the nose by the Leaders of the Opposition, who were actuated by simply factious views, to turn out the Government and put the Opposition in their places—for what reason? Why, if the hon. and right hon. Gentlemen of the Opposition were put into power tomorrow they would be turned out the day after. The whole thing was absurd and utterly unworthy of a great, deliberative and practical Assembly, such as the House of Commons. The Motion of the hon. and learned Member for Taunton was as bad, if not worse, than the Amendment of the hon. Member for South Durham (Mr. Pease), about which he was so extremely unhappy. That hon. Member said he had consulted some eminent lawyer about the Royal Proclamation and had got certain advice. He certainly had consulted no lawyer before he put his absurd Amendment upon the Table of the House—for it manifested the greatest ignorance of the law. He could not suppose that the hon. Member had written it himself; and if he had not drawn it up by the advice of a lawyer, he listened perhaps to some lawyer's clerk. Certainly it was such a one as the Chancellor of the Exchequer need not have been afraid of in the least; and if the hon. Member for South Durham withdrew it, no gain to the Government could have accrued from

that act; for the Amendment was too silly to do any one harm—except its Mover. And now, what was the House called upon to do? To annihilate the Ministry for no offence whatever that could be discovered by any one who scanned the speeches of the Opposition speakers. The House was asked, not to judge, but to condemn. He believed that the House was actuated by different principles. He was no admirer or worshipper of the Government. He always endeavoured to vote in accordance with right and truth, and he believed that in voting against that factious proposal he should best please his own conscience and best satisfy the great constituency which he represented. Since the Royal Proclamation was issued the most extraordinary efforts they all knew had been made to stir up the country against the Government; but those efforts had most lamentably and miserably failed. He could corroborate everything that had been said by hon. Members on the other side of the House on that subject. The country was not in accord with that factious movement. It was tired of the pretended indignation and patriotic heat which had been got up by those hon. and right hon. Gentleman who were simply seeking to transfer themselves from one side of the House to the other. There was no doubt they would fail; and, for his own part, he should not be sorry to see them remain still in Opposition for the next 20 years, to exercise those great powers of political criticism in which they were adepts, for there never was a Party like the Liberal Party, which, when in power, forgot more completely the pledges which they had so vehemently given in their days of Opposition.

LORD ELCHO, as an independent Member, had not the slightest intention of following the example of the hon. and learned Member for Limerick (Mr. Butt), and withdrawing from this Party fight, for he should give a hearty vote against the Motion with as clear a conscience as he had ever voted upon any question. He would not have troubled the House with any observations had not his name been brought prominently into the discussion, for he was one of those—and he was sure they were a majority in the country—who thought that much more had been made of this question than ought to have been made

of it, and much had been said that ought not to have been said. With regard to the general question, all he would say was that after the flood of talk they had had he remained of the same opinion as he was when the Bill was first brought in—an opinion which at that time also appeared to prevail in the country, if they might judge from the language of the newspapers, in which it was stated that the proposed addition to the style and titles of the Crown was a wise measure as regarded India—a graceful and fitting recognition of the reception which had there been accorded to the Prince of Wales. As regarded the effect of these discussions in India, it was not the fault of right hon. Gentlemen opposite, who had drenched India with rhetorical petroleum from the Himalayas to Cape Comorin, if the susceptibilities, the fears, and the jealousies of the Native Princes had not been aroused. But happily they appeared to have failed in this, for when the news first arrived, the Rajahs were reported to have rejoiced at the adoption of the title of Empress, because it would have the effect of recognizing their position as Sovereigns in a way which no other title could do. Whether he looked to England or to India it appeared to him that the title was not only well chosen, but that no sound ground of objection could be urged against it. At the same time, it occurred to many Members that the title might get into general use in this country, and that many regarding the title of Empress as superior might supersede the title of Queen. He had, therefore, ventured to frame an Amendment, the effect of which was to give precedence on every occasion to the title of Queen over that of Empress, and to guard against the non-official use of the title of Empress in this country, and also against the addition by the Princes of the Royal Family of the Imperial title to that of Royal Highness. Well, they got an assurance on both those points—a distinct assurance from the Government that the new title should be confined, as far as possible, to India—very much turned on those words, “as far as possible”—and that the members of the Royal Family should not add the title of Imperial to Royal Highness. That was held to be satisfactory at the time. But it was said the Government had departed from their undertaking, because they did not

absolutely localize the title in India; while, by the Proclamation, it was to be used on certain occasions in England. When the hon. Member for South Durham (Mr. Pease) moved his Amendment, he was followed by the Chancellor of the Exchequer, who carefully guarded himself by specifying two occasions as examples when it would be necessary that the whole title of Her Majesty should be used, including that of Empress. The Proclamation came out, and he did not deny that, to a certain extent, he was disappointed when he first read it. The first notice he had of its wording was from his hon. and learned Friend the Member for Oxford (Sir William Harcourt), who met him in the Lobby and chaffed him in a friendly way on the subject. [“Order!”]

SIR WILLIAM HARCOURT: I must protest against a private conversation being repeated, especially as I have received no Notice that this was intended.

LORD ELCHO said, he did it all in good humour: but he could refer to the point in question in another way. The point which struck him in reading the Proclamation was this—that the Proclamation said the title of Empress, “so far as conveniently may be, on all occasions,” but it went on to say “and in all instruments wherein,” &c. Now, one’s grammar could not attach “wherein” both to “occasions” and “instruments.” In ordinary language “wherein” could not be supposed to govern both, and must be restricted to “instruments” alone. He could not, therefore, consider the Proclamation as fully giving effect to the promises of the Government. But within two hours after a question on the subject of the Proclamation had been addressed to the Government by the hon. and learned Gentleman (Sir Henry James), he heard the Lord Chancellor in “another place” explain away the difficulty. What did he say? He said that undoubtedly the word “wherein” in the ordinary usual language would appear only to apply to “instruments;” but he had taken the wording of the Proclamation from the old Proclamation of 1801, which applied “wherein” to “occasions” as well as “instruments.” That dissolved his doubts, and he frankly told the House that the Proclamation now appeared to him strictly in accordance with the promises of the Government. The Pro-

clamation not only said that the title was to be confined to occasions wherein certain documents were signed, but it also limited those documents and occasions. He could not help thinking that the course now pursued was somewhat factious. It was very natural that right hon. Gentlemen opposite should take up the question. They had failed to sink the First Lord of the Admiralty with the *Vanguard* and the *Mistletoe*; they had failed to drown the Chancellor of the Exchequer in the Suez Canal; the Burials Question was buried, and he doubted whether the noble Lord who, in "another place," was trying to play the part of resurrectionist would succeed in his efforts. The Session was advancing—there was nothing more to be done—the Royal Title was really the only horse left in the Opposition stable, and it was very natural that they should try and make running with him; but having done so, and having been beaten, he thought that it would have been better if they had not brought out again as they had done this stumped-up steed and placed upon its back the best and cleverest light-weight of their Party. It had been said that the country did not back right hon. Gentleman opposite. There could be no doubt of that. The offer of the Government to discuss this question before Easter was not accepted, because it was expected that triumphant meetings would be held throughout the country against the Royal Titles Bill. But these hopes had been signally disappointed. There might have been hole-and-corner meetings, but he had seen no reports of them. He had, indeed, seen that there had been a great meeting in Hyde Park, not to express hostility to the Royal Titles Bill, but sympathy with the unfortunate nobleman who was now improving his figure in that imprisonment which we were told was the result of a Roman Catholic plot. There had also been a meeting in Glasgow, presided over by the hon. Gentleman the Member for Stoke who had just sat down, who appeared there in a Rob Roy plaid. It was quite possible that if the hon. and learned Member opposite (Sir Henry James) had also gone starring about the country in a Rob Roy plaid he might have succeeded in getting up an agitation against this Bill; but as it was, the country had turned out to be a dead

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horse on this question, and had been flogged, and flogged in vain. The Opposition he thought did "protest too much," and certainly not in love, when they asked the House to declare that Her Majesty's Government had been guilty of a breach of faith. The hon. and learned Gentleman who had moved this Resolution appeared to have put his Party in this dilemma, either they maintained that Gentlemen as honourable and high-minded as any on the Opposition benches had been guilty of a breach of faith and of conduct that would disgrace any trickster, or that the Government, willing and anxious to fulfil the promise they had given, used questionable grammar in the wording of the Proclamation. On this latter supposition the discussion was degraded into a technical and etymological discussion. He felt confident that the verdict of the House would be the verdict of the country—namely, that the Government had done their best to give effect to the pledges they had made.

MR. OSBORNE MORGAN congratulated the Government on having secured the services of a new and powerful ally in the hon. Member for Stoke (Dr. Kenealy). He (Mr. Osborne Morgan) would endeavour to bring back the discussion to the real question. He denied that the odious charge of having broken faith was brought against the Government. All that the Opposition said was that there had been in this affair an amount of loose asseveration and helter-skelter assertion, which, though not intended was likely to mislead, and did mislead people of ordinary sense and intelligence. When the Bill was before the House he put an Amendment on the Paper, and before it came on for discussion the Prime Minister said that under no circumstances would he advise that the new title should be used in England. He moved his Amendment, however, and then the right hon. Gentleman said that if carried it would defeat the object of the Mover and would have the effect of preventing the title being localized in India. Accordingly he withdrew his Amendment, and when the Bill came on for third reading, so satisfied was he with the declarations of the Prime Minister that, instead of voting against it, as otherwise he certainly would have done, contrary to his custom he walked out of the House. It was laid down in the

course of the discussion that the colonies were to be put on the same footing as the United Kingdom, because they were part and parcel of ourselves—"flesh of our flesh, and bone of our bone;" but the Proclamation put them on the same footing as India. Our colonists were told that what was good enough for India was good enough for them, and they would in future have to address the Queen as Empress, a change which they certainly did not desire. If they could once get rid of Party obligations he would willingly leave it to hon. Members opposite to say whether the performances of the Government corresponded with their promises. He should be satisfied to submit this question to any jury. No doubt, the Motion would be defeated by an overwhelming majority. But such a majority would not be worth the Paper on which the Clerk at the Table would record it. These were not questions which could be settled by majorities. The right hon. Gentleman had a wonderful control over his Party. Talk about Empress! talk about Emperor! If they wanted to see a real Emperor, why there he sat (pointing to Mr. Disraeli). They would be wanting in their duty as an Opposition if they did not protest, though ineffectually and unsuccessfully, against this mode of redeeming promises which were unreservedly given and implicitly believed.

SIR ROBERT PEEL: Sir, I am aware that the House is getting very impatient, and I wish, with its indulgence, to occupy its attention for only a very short time. I was anxious to hear the remarks of the hon. and learned Gentleman (Mr. Osborne Morgan), but was only able to catch one—that he was so satisfied on one occasion with the assurances of the Government that he did not vote, but walked out of the House. The Motion made by the hon. and learned Member for Taunton (Sir Henry James) is one which must be met, not by walking out of the House, but by a bold and determined front. I am only sorry that the House was not as full as it now is when the hon. and learned Member (Mr. Butt) addressed it. He said he should support the Government—"No!"—and thought the issue was not one which had been fairly raised. ["No!"] I must have misunderstood my hon. and learned Friend; but I thought he said that, be-

lieving the division would be only a roll of Party votes, he would abstain from voting at all. Now I consider the question far more serious than that. Members who sit on the Government side of the House have been taunted over and over again with being a mere technical and mechanical majority. This, however, should be an occasion when not only those who may be the recorded and absolute supporters of the Government as a Party will be found on one side, but when they will be joined by many others who have sat in this House for years, who have attentively followed the debates, and who have considered the conduct of the Government— independent men, for instance, like the hon. and learned Gentleman (Mr. Butt), who will support the Government, and will tell the country, in the spirit in which it ought to be told, that the issue now raised is one which is most unfairly raised. I listened most attentively to every word that was spoken by the hon. and learned Member for Taunton, and will frankly say what I thought of that speech. I thought that he made a very bad speech. When I say a bad speech, I mean a bad speech to be put forward by a Leader of the Opposition on a great occasion. I took down accurately a good deal of what he said. The hon. and learned Gentleman answered that he was putting the Government upon their trial. He would show, he said, what their promises had been, what their declarations were, what their engagements were, and how they had met them. And then he made up what he elegantly called half his tale by unauthorized quotations from newspapers. I always listen to lawyers in this House with the greatest forbearance, particularly to a lawyer's opinion from a Party point of view. I recollect some 20 or 30 years ago, a celebrated occasion on which lawyers occupied the whole of the evening, and at last Sir James Graham rose and said—"Let us get out of Nisi Prius," a course which was adopted to the great relief of everybody. To-night I heard the hon. and learned Member for Taunton say—"These are facts, and I defy you to disprove them." Well, I have heard over and over again hon. and learned Gentlemen on the opposite side state that they were prepared, on the most conclusive evidence, to refute every word

that was said by other hon. and learned Gentlemen. What weight, therefore, can be attached to these "facts" of the hon. and learned Member for Taunton? The whole speech of the hon. and learned Member for Taunton was of so technical and legal a character that it was tiresome to the last degree, and its conclusion must have been most welcome. First of all, he divided it into two halves, as if there could be more than two halves, and the last half he parcelled into six divisions. Really, when an hon. and learned Member divided his speech first into two halves and then into six divisions we may suppose that he has pretty well got up his case. One thing in the speech particularly displeased me. The hon. and learned Member has made a serious charge against the Government—a charge not only of Censure but of Want of Confidence. You wish to turn out this Government and to take their places, or else you do not want to take their places. One of the chief points of the hon. and learned Member's speech was the joke about the Queen's Patent for the appointment to the office of Judge Advocate General. He read the whole of that document. It was bad taste. He read the whole of the Queen's Letters Patent, evidently meaning to throw a slur on what is the received language of the Sovereign on appointments of that kind. I said just now I was somewhat surprised at the hon. and learned Gentleman the Member for Taunton being put forward on this occasion. I expected that the hon. Member for Hackney (Mr. Fawcett) would be put forward; but I understand he is too advanced, and that in the interests of the Party it would be better to put forward the hon. and learned Member for Taunton. Did the hon. and learned Member for Oxford (Sir William Harcourt) put the hon. and learned Member for Taunton forward? It was admitted to-night, I think, that he was instrumental in having this Motion brought forward. The hon. and learned Member for Oxford shakes his head. Well, if he did not, that makes the matter worse, for it shows that the hon. and learned Member for Taunton put himself forward on his own bottom at the instance of the hon. Member for Hackney to make this serious charge against Her Majesty's Government. When I see the hon. and learned

Gentleman the Member for Taunton sitting on the front Opposition bench by the favour of the late Government—when I hear the late Attorney General and chief Law Adviser of the Crown tell us, as he does to-night in a solemn and, I hope, a serious tone, of all the dangers which must accrue to the Constitution of this country in consequence of the Proclamation and the Royal Titles Bill—I should have thought he would have been about the last man in this House in his position to endeavour to make political mischief when he cannot make political capital. I am really surprised at the conduct of the hon. and learned Gentleman, for while I sat wearily listening to the verbose periods of the hon. and learned Member, indicting everything and everybody, Crown, Parliament, and Government, I thought of the stuff of which great Leaders of Party were wont to be made, and I asked myself whether this puny outcry of the hon. and learned Member in any degree echoed public opinion or that of the Party which may or may not have put him forward to act on this occasion. He has given a long catalogue of unauthorized speeches from the newspapers. I never knew it to be done before. It may be perfectly in Order, and I have no doubt that, having been ruled to be so, it is. Speeches delivered in the House of Lords by the Lord Chancellor have been alluded to in this House. This was un-Parliamentary, in my opinion; but I suppose I was wrong, and let the House of Commons understand that from henceforth, after a Bill has passed the first, second, and third reading, after it has received the assent of both Houses of Parliament and of the Crown, it is perfectly legal and legitimate and opportune for hon. Members in this House to allude to speeches delivered on former occasions in the other House of Parliament. As the hon. Member has alluded to a past case, I will, with your permission, Sir, refer to what has occurred on this Royal Titles Bill. I listened attentively to all the speeches that were made. There was the extraordinary speech of the right hon. Member for Greenwich (Mr. Gladstone), which, now the Bill is passed, I am sorry he should have delivered. Some remarks in that speech I am sure the right hon. Gentleman must himself regret. I listened, too, to every speech

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of the Prime Minister. I hung on his lips for a remark on which to make one or two comments, and I am bound to say in all frankness, and as independent as any man in the House of Commons, that I thought the statements so honest, so straightforward, so above board in this matter, that I gave a vote—a silent vote, I admit, but a vote most conscientiously—in approval of the Bill of the Government. Both Houses of Parliament, I believe, did the same thing. Large majorities approved the measure—majorities rendered still more remarkable by the fact that many hon. Members sitting behind the front Opposition bench abstained from voting rather than record their votes against the Government. From the very beginning—from the moment it was announced in the Speech from the Throne—public opinion was unquestionably in favour of the measure which Her Majesty's Ministers proposed. It received the Royal Assent, and now, not even at the eleventh hour, but when everybody is satisfied, and when 12 o'clock has struck, down comes the hon. and learned Member for Taunton, like that foolish young woman who forgot to trim her lamp in time and had the door shut in her face, and when everything has been settled makes all this hubbub and tears this Party "passion to tatters, to very rags." "Oh!" how "it offends" that such things should be in this House. I say this all the more because from the very commencement of these discussions I have admired the action of my noble Friend the Leader of the Opposition. I do not mean to compliment him because he sits there; but I see that his task must be a difficult and a trying one, and, having heard the several speeches which he made on this question, I cannot but say that I candidly admit that I have admired his tact and discretion. Knowing what is past, I cannot believe that he was a party to the action of the hon. and learned Member for Taunton. It is unlike him. I am of opinion that this action has been stimulated and got up by a few discontented Gentlemen who thought they would do something in opposition to the Government. It cannot be the action of the Liberal Party, because they must know that the majority against the Motion will be such as to show them in more disorganized ranks than they have ever yet got credit for.

I therefore hope that the hon. and learned Gentleman will not, for his own sake, go to a division. Liberal Members, I am convinced, will not in the future look back with satisfaction at this half-hearted sort of a way of seeking to secure a Party victory. What is the point he raises? He takes the Proclamation, and contends that it does not express what the Government said they would do. Now, I have read this Proclamation attentively. Any fool can read; but a lawyer is bound to read such a document with acuteness and astuteness, especially when he makes a Motion such as that under the consideration of the House. I read the Proclamation most carefully, and I do not see that there is in it anything which is not perfectly in accordance with the wishes of Parliament and of the country. I particularly remember one sentence in the speech of the hon. and learned Gentleman the Member for Taunton, in which he spoke of the Proclamation as reciting "this, that, and the other;" but he omitted one very important part. It was not fair—in fact, the speech had not that nobleness of character which a Leader of the Opposition should display. The Proclamation states that it is expedient that there should be a recognition of the transfer of the Government of India from the East India Company to the Crown by means of an addition to the Royal style and title. That is an important point; yet the hon. and learned Member omits it. It is really in fulfilment of what Parliament has enacted that this Proclamation has been issued, and the hon. and learned Gentleman was, I think, very hard on Members from Ireland. ["No, no!"] Well, he more than once intimated that they were disloyal, and that they would omit from the Royal style and title the words, "Queen of Ireland." The hon. and learned Gentleman the Member for Oxford says "No;" but it is clear that he does not know what the hon. and learned Member for Taunton did say. The hon. and learned Gentleman's speech was as bad a speech for the occasion as I had ever the misfortune to listen to; and therefore I am not surprised that it has not been fully comprehended by the hon. and learned Member for Oxford. The Motion is one of a Want of Confidence in the Government, and the hon. and learned Gentleman in the course of

his remarks said that the Proclamation had made a deep impression on the House and on the country. ["Divide, divide!"] Hon. Gentlemen need not be alarmed—I am not going to read a number of newspaper extracts like the hon. and learned Member for Taunton. I am only referring to what the hon. and learned Gentleman has to-night stated. He has told us that the opposition to this Act was unparalleled, and that some hon. Members took alarm lest the Throne should be shaken. The hon. and learned Gentleman said the feelings of the country were against the measure, Now, I think I could prove the contrary. I believe that if you canvassed the country through all the boroughs you would find an almost unanimous opinion in favour of this measure. They are pleased at it, and I am convinced that I give expression to the popular wish far more than the hon. Member for South Durham (Mr. Pease) when I say—"Long may Her Majesty continue to reign, as she has reigned for more than 40 years, in the hearts and affections and love of her people, without one blot, one stain, one blemish on her life; but she will henceforth continue to reign, not merely as Queen of the United Kingdom of Great Britain and Ireland, but with that addition to her Royal style and title which is specially intended to apply only, and notwithstanding all the lawyers can say to the contrary, does apply only to the great Empire of India, the brightest jewel in the British Crown." That is what it was intended to represent—a jewel won and secured by the skill and wisdom of statesmen, and cemented in that Crown by the blood of heroes. I heard the right hon. Gentleman the Secretary of State for War say that the title of Empress of India was meant as a symbol of peace and reconciliation for India. That is the way to look upon it; that is the way the country views it. I often look upon a Victoria Cross in my possession, still stained with blood, which once adorned the breast of a brave and gallant officer who fell fighting in India in the service of his country; and, thinking over all these protracted discussions, I have often asked myself this question—Why not now, after all the dangers and perils of the past, after brilliant achievements of national service by flood and by field, in a

time of profound peace, when the government of that great Empire has been transferred to the Government of the Crown—why, I ask, should not the Crown accept at the hands of Parliament that which Parliament in its wisdom and in the name of the people offers to the Crown? I am sure the people of this country view not with disfavour, but with satisfaction, that addition to the Royal style and title as conveyed by the Royal Proclamation which best represents and expresses the high and paramount authority exercised by Her Majesty over millions of our fellow-subjects in India—that expressive and appropriate designation and appellation—Empress of India.

SIR WILLIAM HARCOURT said, he did not think the right hon. Gentleman the Member for Tamworth had long been an admirer of the speeches of his hon. and learned Friend; and as to the point whether the speech of his hon. and learned Friend was or was not a good speech, that was a matter of taste about which they must agree to differ. He wished to recall the attention of the House to what really was the Motion before it, for in the interesting and amusing speech of the right hon. Gentleman there was very little allusion to the character of that Motion. The right hon. Gentleman's speech would have been highly appropriate to the discussion of the question whether the title of Empress should be assumed or not; but it was not so appropriate to the question as to whether the title ought to be limited in its use. The question as to the assumption of the title had been settled long ago; the Government determined that there should be certain limitations to its use, and the question the House had to consider was whether those limitations had been actually carried out. Hon. Gentlemen opposite seemed extremely anxious to have brought against them a charge of breach of faith. For his own part, he did not desire, unless compelled to do so, to bring a charge of breach of faith against anybody, and especially against persons occupying the responsible position of Her Majesty's Government. But did not hon. Gentlemen opposite know the difference between a breach of faith and a breach of contract? ["No."] Did they not? Really, he was very much astonished. He saw a great many Gentlemen opposite, who would,

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he ventured to say, if any of them sold a horse which they had warranted as being sound, be a good deal surprised if the purchaser came to them dissatisfied and accused them of having committed a breach of faith or done something dishonourable. What the Resolution before the House said in substance was, that Her Majesty's Ministers had made certain declarations, and that the Proclamation did not conform to those declarations. The proper answer to that was easy—either that they did not make those declarations, or that the Proclamation did conform them. Did they say that they did not make those declarations? He could not make out from the speech of the Secretary of State for War that they did not make those declarations. The Government did say that they would localize the use of the title of Empress to India, and, in the words of the Lord Chancellor, that they would admit the use of it nowhere else. That substantially represented what was said. The Secretary of State for War told the House the question was between what the Opposition expected and what the Government intended. But that was not an accurate statement. Every one knew what the Government had said, and the Opposition could only judge their intentions by their statements. They had a reasonable expectation that the Government would localize the title of Empress in India. But had they done so? It was, on the contrary, made universal in all the dominions of the Queen with the exception of certain documents issued in the United Kingdom. Instead of localizing the title of Empress the Government had partially localized the title of Queen of England, and that was as different a thing as could be. This result had come from the extraordinary manner in which the Proclamation had been drawn. It took the Proclamation of 1801 as its model—a Proclamation which adopted and published not a localized, but a universal title. The House had been distinctly told by the Prime Minister that the title of Empress would apply to India and nowhere else and to diplomatic documents. His right hon. Friend (Sir Robert Peel) objected to the declarations of Ministers being brought up against them; but what was the use of declarations on the part of Ministers if they were not to be referred to afterwards? The

Prime Minister told the House that an engagement on the part of a Minister was as good a security as an Act of Parliament; but what was the use of such an engagement if after the Proclamation was issued it could not be referred to? Upon the second reading of the Bill in the House of Lords it was stated that the new title would be included in every document of State in England. Upon that he put a Question to the Prime Minister, who stated that it would not be included in the documents he enumerated. Upon the third reading the Lord Chancellor changed his views, and said that the new title would not be included in commissions for the Army. That was not a careless statement, because the Lord Chancellor repeated it on the 3rd of May, and gave a pledge that the title of Empress would not be employed in Army Commissions. Two or three days afterwards the Prime Minister, in answer to the hon. Member for Chelsea (Sir Charles Dilke) stated that the new title must be included in commissions for the Army. This showed a want of fixity of purpose, a want of knowledge of the consequences of this document, which was the very thing of which the Opposition complained. The result, then, of the Proclamation was that the title was to be used on all occasions when it conveniently could be employed. The Secretary of State for War, in commenting on the word conveniently, said he preferred to use the word "suitably;" but what he did not explain was who was to be the judge of the "convenience," and who was to say when it was "suitable." There might be one Government to-day and another to-morrow, and they might differ in their views on this point, and that was the great danger of the thing that was done—namely, that they had made for the Queen a title as to which nobody knew when or where it was to be applied or what was to be Her Majesty's title in any part of her dominions. He ventured to say that anything more dangerous to the Monarchy of this country than this species of uncertainty it was impossible to conceive. If it were not so, why have a title for the Sovereign at all? If the thing were immaterial, why had the Government taken such pains to pass the Bill and give Her Majesty an additional title? The Government never heard until to-night what a scrape they

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he ventured to say, if any of them sold a horse which they had warranted as being sound, be a good deal surprised if the purchaser came to them dissatisfied and accused them of having committed a breach of faith or done something dishonourable. What the Resolution before the House said in substance was, that Her Majesty's Ministers had made certain declarations, and that the Proclamation did not conform to those declarations. The proper answer to that was easy—either that they did not make those declarations, or that the Proclamation did conform them. Did they say that they did not make those declarations? He could not make out from the speech of the Secretary of State for War that they did not make those declarations. The Government did say that they would localize the use of the title of Empress to India, and, in the words of the Lord Chancellor, that they would admit the use of it nowhere else. That substantially represented what was said. The Secretary of State for War told the House the question was between what the Opposition expected and what the Government intended. But that was not an accurate statement. Every one knew what the Government had said, and the Opposition could only judge their intentions by their statements. They had a reasonable expectation that the Government would localize the title of Empress in India. But had they done so? It was, on the contrary, made universal in all the dominions of the Queen with the exception of certain documents issued in the United Kingdom. Instead of localizing the title of Empress the Government had partially localized the title of Queen of England, and that was as different a thing as could be. This result had come from the extraordinary manner in which the Proclamation had been drawn. It took the Proclamation of 1801 as its model—a Proclamation which adopted and published not a localized, but a universal title. The House had been distinctly told by the Prime Minister that the title of Empress would apply to India and nowhere else and to diplomatic documents. His right hon. Friend (Sir Robert Peel) objected to the declarations of Ministers being brought up against them; but what was the use of declarations on the part of Ministers if they were not to be referred to afterwards? The

Prime Minister told the House that an engagement on the part of a Minister was as good a security as an Act of Parliament; but what was the use of such an engagement if after the Proclamation was issued it could not be referred to? Upon the second reading of the Bill in the House of Lords it was stated that the new title would be included in every document of State in England. Upon that he put a Question to the Prime Minister, who stated that it would not be included in the documents he enumerated. Upon the third reading the Lord Chancellor changed his views, and said that the new title would not be included in commissions for the Army. That was not a careless statement, because the Lord Chancellor repeated it on the 3rd of May, and gave a pledge that the title of Empress would not be employed in Army Commissions. Two or three days afterwards the Prime Minister, in answer to the hon. Member for Chelsea (Sir Charles Dilke) stated that the new title must be included in commissions for the Army. This showed a want of fixity of purpose, a want of knowledge of the consequences of this document, which was the very thing of which the Opposition complained. The result, then, of the Proclamation was that the title was to be used on all occasions when it conveniently could be employed. The Secretary of State for War, in commenting on the word conveniently, said he preferred to use the word "suitably;" but what he did not explain was who was to be the judge of the "convenience," and who was to say when it was "suitable." There might be one Government to-day and another to-morrow, and they might differ in their views on this point, and that was the great danger of the thing that was done—namely, that they had made for the Queen a title as to which nobody knew when or where it was to be applied or what was to be Her Majesty's title in any part of her dominions. He ventured to say that anything more dangerous to the Monarchy of this country than this species of uncertainty it was impossible to conceive. If it were not so, why have a title for the Sovereign at all? If the thing were immaterial, why had the Government taken such pains to pass the Bill and give Her Majesty an additional title? The Government never heard until to-night what a scrape they

vision, and the majority would be against the Motion of his hon. and learned Friend the Member for Taunton. It would then be for the country to judge whether having the majority they had the best of the arguments also. When the right hon. Baronet the Member for Tamworth expressed an opinion that his hon. and learned Friend was not acting in this matter with the cordial assent of his noble Friend the Member for the Radnor Burghs (the Marquess of Hartington), he was—as on some other occasions he had been—mistaken. What the Opposition intended to do was to record upon the Journals of the House, which constituted the political traditions of a great nation, their final protest against a course which they believed to be a dangerous and mischievous innovation.

MR. DISRAELI: Sir, I am glad to hear that the protest which the hon. and learned Gentleman has just announced his intention to place upon the records of the House on the subject of the Royal Titles Act and the subsequent Proclamation is to be a final one. I rise to maintain and to show that the language of the Proclamation does agree with the declarations of Ministers; and I meet the hon. and learned Gentleman on the ground that he has himself chosen. But then the question naturally arises where the declarations of the Ministers are to be found. I protest—as the hon. and learned Gentleman is in the habit of protesting I will also protest—against single words, selected, perhaps, out of a considerable number of speeches delivered in both Houses of Parliament during a period, not of many weeks merely, but of several months, being taken without their context and treated as the sole and complete exposition of the sentiments of Ministers upon this matter. Many of the speeches from which this selection has been made were delivered under circumstances when the Minister expressing himself was speaking in general debate and not in answer to any inquiry of which formal notice had been given. The hon. and learned Member has fixed upon one word, a word which I believe was introduced into this debate by a side wind, but that is a matter not of much consequence, and upon that single word “localizing” he has built up the whole of his argument. He said—“You have promised to localize the title of Empress in India—and

by localizing the title you meant that under no circumstances it should be used in any other place. You have not even mentioned India in your Proclamation, and by having followed the wisest precedents that exist on this subject, and by admitting and announcing that Her Majesty will assume the title of Empress everywhere except under peculiar provisions, you have violated your promise to the House, and you have given us a Proclamation which is not in accordance with the declarations you have made.” Now, Sir, in the old days it was always a rule in this House that there was to be a liberal interpretation placed upon language used in debate. If there was a measure of great importance before Parliament, and any doubt or ambiguity arose as to the principle upon which it was introduced, Notice was given of a Question which was maturely prepared by some Member, and the Minister of the day had, in answering that Question, an opportunity of speaking in prepared and precise language. You were not then in the habit of fixing upon some particular word an adjective or an adverb, and founding upon it a policy for the Ministry, and then, if their conduct did not exactly square with your own definition of that adjective or adverb, protesting against their conduct, and declaring that it was not consistent with their declarations. The declarations we made are not to be estimated in a manner so meagre and so unjust. I maintain, and I will show, that we have substantially carried our declaration into effect. The Bill was originally brought in, I admit—and I admit it with perfect self-satisfaction—without the intention of making any exceptions in its provisions. We did not believe in their utility; we did not believe that under any circumstances they would be called for. But there was a considerable agitation got up—I will not stop now to analyze the modes and means by which it was created and augmented—I believe it was a factitious agitation, but to a certain degree it influenced this House; and we did that which every Ministry to whom the carriage of an important measure has been entrusted is in the habit of doing, and what as wise men they are justified and obliged to do—we deferred, in order to carry our measure, to fears which we believed to be groundless; we yielded to arguments which we

thought were utterly futile, because we felt all the time we were making these concessions that they would relieve the public mind from this unfounded—I will not call it panic, but—misconception. In making that concession we did not believe that it would in any degree diminish the practical effect of the legislation we were recommending the House to adopt, and that, in spite of it, the great purpose we had in view would be attained. Then, what was the declaration made? Remember, there was much misconception and misrepresentation about. There were even Gentlemen in this House who intimated that they expected that Her Majesty would substitute for her title of Queen of ancient kingdoms the title of Empress taken from one of her dependencies. There were Gentlemen who believed this, and Notices were given in reference to it. It was said that the Royal children and agnates of the Royal House were to assume titles which certainly were not popular with the English people and the adoption of which was never dreamt of. A great many of these unreasonable imaginations were then afloat, and we came forward and made this declaration—“Do not be alarmed on this subject unnecessarily; we will take care that the Queen of Great Britain and Ireland in her United Kingdom shall always be styled officially and publicly by her ancient title, and we will insure that result by means which cannot be baffled.” And it was not by using an epithet one day or an adjective another day that we expressed our declaration. The declaration was complete in its conception, and in its expression adequate to the object to which I have referred. The hon. and learned Gentleman the Member for Oxford (Sir William Harcourt) followed a course strictly Parliamentary—and his conduct I will say is generally strictly Parliamentary—in order to ascertain what was the precise policy of the Government. He gave Notice of a Question, and that is the proper course to pursue when ambiguity exists as to the policy of the Government. The hon. and learned Gentleman drew up with much art and with accuracy a question which involved, I may say, the whole political and administrative system of the country. He read all the instruments, all the muniments which are necessary to carry

into effect the action of our political and administrative system. I have not at this moment his paper at hand, and I am sure the House has had papers enough to-night. They may trust to my memory and their own. He reminded the House that the full title of the Queen must be in every writ when Parliament is summoned and that the full title of the Queen must be used when Parliament is prorogued; that it must be in the authority of magistrates and of Judges, and so on, as to a long list of offices (probably 25) of the highest importance, including the patent of the Lord Lieutenant of Ireland. He came down to Parliament and asked me whether I was aware that into all of these documents, which I would again impress upon the House really contain the whole political and administrative system of the country, the full title of the Queen must be introduced, and what was the intention of the Government thereon. Well, I said then to the hon. and learned Gentleman that it would be quite impossible to go through in detail in an answer the whole of his catalogue, and I described generally our policy in these words:—I said the policy of the Government with respect to the Royal Titles Bill is this—It is a Bill which, if it becomes law, will allow Her Majesty to assume the title of Empress externally; but for the whole internal Government of the United Kingdom it will not be used. What is the use of talking, as the hon. and learned Gentleman does, of our engaging to localize the title—a word which is only one for debate or discussion—when we have that formal and complete interrogatory addressed to us, and when it was answered by those general but satisfactory and complete terms? Then, with regard to the catalogue of instruments which the hon. and learned Gentleman read out, I said to him that the Proclamation will deal with all this machinery, and I remember that that observation was welcomed by some Gentlemen below the Gangway opposite with rather derisive and sceptical laughter, as much as to say—“You will never be able to manage that with your Proclamation.” But the fact is that the whole administrative and political system of the United Kingdom of England and Ireland is touched, is completely regulated and controlled, by the Proclamation. I now come

to what appears to be the exception on which the hon. and learned Gentleman dwelt, and that is as regards military commissions. In his long catalogue there were other commissions, besides military commissions. I was justified in giving a general answer indicating the general means by which our policy was to be expressed and our purpose might be effected. But afterwards, occasion offering, in answer to another Question from the hon. Baronet the Member for Chelsea (Sir Charles Dilke), who inquired about military commissions, I informed him that in military commissions the title of Empress would be used, and I gave the reason because a military commission was a commission to an individual who might to-morrow be called upon to serve his Sovereign in India in the very Empire which is the subject of our discussion; and could anything be more foolish, more monstrous, than that Her Majesty's Army in her Empire of India should not be allowed to serve the Empress of India? But that was no mistake on my part or on the part of the Government. There are still other military commissions besides those of the Regular Army. In the present day there are many military commissions. There is the Militia, for example, now a powerful arm of the State; and, according to the language of the Proclamation, which says the title of Empress is not to be used in instruments confined in their operation to the United Kingdom, that exception would apply to commissions other than those of the Regular Army. Therefore, I maintain that taking a large view—and a large view you ought to take of such a matter—we have completely accomplished the policy which we indicated, and fulfilled the promise which we gave to the House of Commons. Now, Sir, the hon. and learned Gentleman who has just addressed us says that the Monarchy of England is a great and sacred subject, and that the course we are taking is one dangerous and unusual, and that he deprecates the consequences of the policy we have pursued. Well, Sir, the Monarchy of England is a great Monarchy. It has existed for more centuries, I believe, than any European Monarchy. But it is not true that the title of our Sovereign is an ancient title. Hon. Gentlemen must know very well that the title of Queen of the United Kingdom

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of Great Britain and Ireland is a title merely of this century, and that there have been other occasions on which the title of the Sovereign has been changed. Unquestionably, it is a solemn act. It is one that ought not to be had recourse to except for grave political reasons, and with a conviction on the part of the advisers of the Crown that it is a policy that ought to be pursued and pressed upon Parliament. But look at the instances in which the titles of the Sovereigns of this country have been changed. I take the most memorable. Perhaps there may be others, but these occur to me. When James, the King of Scotland, became King of England, he changed his title, and made himself King of Great Britain. Surely that was an occasion on which a change was highly desirable that, when so important an event took place as the two Thrones of England and Scotland being filled by the same individual; and a change of dynasty so remarkable occurring, every one must agree that it was an act of high policy to mark it by the adoption of a new title, which from its effect on the imagination of the country was calculated to exercise much influence. Every one must agree that under those circumstances the change of title was wise and necessary, and it has been a lasting change. Well, it cannot be denied that when the union of Ireland and England was made a change of title was again justified by circumstances. That also was a change which had a great moral and political end and purpose in view. And, surely Mr. Speaker, the circumstances under which, after such varieties of fortune and such remarkable achievements on the part of this nation, the Empire of India, from being merely the trading possession of a Company of Merchants, became an appanage of the Crown—surely under these circumstances every man must have felt that a change of title which should describe such an event—an event calculated to have such influence on the character and fortunes of this country—should be made. The only wonder is that it has not been done before. But why has it not been done before? Those who have given much attention to the subject will easily understand that there have been events in this country which have rendered it undesirable. But other events have recently occurred which

render the addition to the title peculiarly felicitous and appropriate. And of that opportunity we were justified in availing ourselves. I am not now discussing the question of the particular title, but I am speaking in reference to remarks which seemed to intimate that we were tampering with the dignity and interests of the Crown by having introduced a new title. I maintain that by every political consideration, and justified by every political truth, we gave good advice to Her Majesty to take that course which she has pursued. Now, Sir, I shall ask the House to come to a decision to-night upon a broad issue. I shall ask them to decide whether they believe or not that the language of the Proclamation exactly and completely declares and expresses the declarations of the Ministers. As to what has been said about the colonies, that is a point involved in much difficulty. I cannot bring myself to believe that it is a very great, or will be a great, source of evil and calamity if Her Majesty is described in the colonies as Empress of India. I may go back to a point I ought to have touched on before with reference to that bead roll which was the test of our power to draw an effective Proclamation to carry our policy into effect. I believe the hon. and learned Gentleman was not at all justified in the remarks he made on that subject. There are many points, no doubt, on which I cannot compete with the hon. and learned Gentleman; but from the best information I can get I believe he is entirely wrong in the declaration he made about patents. Patents are limited to the United Kingdom. [SIR WILLIAM HARCOURT: Not quite.] Well, and the Channel Islands and the Isle of Man. I did not suppose it was upon the Channel Islands that he was building up his portentous edifice of political terror. The hon. and learned Gentleman seems to be annoyed that he has been described as the leader of a factious Opposition—or that he is a Member of a factious Opposition. I think myself he is quite competent to be a leader of a factious Opposition; but I will not thrust greatness on him before his time. It is not my habit to complain of the conduct or the language of right hon. or hon. Gentlemen opposite. I bear as well as I can the contumely they bestow on us. I can account for the spirit they display and the language they use. But I have no

occasion to complain myself of the conduct of the Opposition on this question. If it has been factious—if it has been the consequence of deep device, of many leaders, of many meetings, even of round robins, that the Titles Bill, which has now prevailed, has been opposed with such pertinacity during the whole of this Session, so far as the position of the Government is concerned, it has neither frightened nor weakened us. We owe it, I believe, to that Opposition—carried on, I admit, with consummate spirit by the hon. and learned Gentleman who introduced the Motion to-night, and by the hon. and learned Gentleman who supported it just now—we owe it to that Opposition that our majority appears almost to have doubled that which a generous country accorded to us at the last Election. In “another place,” which has been most freely spoken of in this debate, but which I will treat with Parliamentary decorum—in “another place” where I was not conscious that Her Majesty’s Government were so strong as I believe they are in the House of Commons, when there was a trial of strength we had a substantial majority. I should be guilty of political ingratitude if I did not show some sense of the services which have been rendered to us by those who are our opponents. But, at the same time, though I wish to live on good terms with my opponents, though I wish to do justice to their good qualities, they will not be offended, I am sure, if on such an occasion as the present I confide more in the friends who have supported me for 30 years; and it is in them that I now trust; it is they that I now call upon to enter the Lobby to vindicate the honour of the Ministers they have hitherto supported, and to show by their vote to-night to the country, as well as to Parliament, that they believe we have dealt fairly and honourably with our Sovereign and the country, and that the language of the Proclamation does express the declarations of the Government.

THE MARQUESS OF HARTINGTON: I am sorry at so late an hour that I feel called upon to address the House, but I promise to trespass on its attention as briefly as possible. Sir, I do not know that it would have been necessary for me to address the House at all after the able speeches of my hon. and learned Friends on this bench were it not for

one or two observations made by my right hon. Friend the Member for Tamworth (Sir Robert Peel), which appeared to meet with some acceptance on the other side, to the effect that I have not been a willing party to the Motion of my hon. and learned Friend (Sir Henry James) to-night. I do not know where my right hon. Friend obtained that information; but I cannot allow this debate to terminate without showing him and the House that that statement is utterly and entirely without foundation. My right hon. Friend was kind enough to pay me some compliments of a very flattering character. I do not myself think that the progress of Public Business is very much advanced in this House by the interchange of compliments between Gentlemen who take a considerable part in our proceedings. I can assure the right hon. Gentleman and others who have been kind enough to address me in those terms that I would very much rather dispense with that patronage, and the kindness bestowed on me, especially if that patronage and kindness are bestowed at the expense of those with whom I have the honour and the privilege to act. The speech of the right hon. Gentleman who has just sat down was addressed in part to an argument with reference to the immediate question before us, but a very great part of it was, in my opinion, directed to a question not before us. Whether it was really wise or politic that Her Majesty should have been advised to assume an addition to her titles in respect of any part of her dominions is not the question now before us. That question has been decided—unfortunately as I think—by both Houses of Parliament. That is not the question raised by my hon. and learned Friend. The Secretary of State for War spoke very little upon the subject immediately before the House, but at considerable length upon the question of confidence in Her Majesty's Government, which he stated was raised by the Motion. Now, it is perfectly open, as has been said, to Her Majesty's Government, if they please, to treat this as a Motion of Want of Confidence, and I do not for a moment assert that it was possible for them to treat it in any other way. But the Government and their supporters must be perfectly aware that if this Motion has assumed the shape of a Motion of Want of Confidence, it is

because the Forms of the House did not permit of our raising the question upon which we desired to take the opinion of the House in any other manner. The subject-matter of the Motion is the advice which has been given under certain circumstances by Her Majesty's Ministers to the Queen. That is a matter which cannot be brought before the House in any other manner than by calling in question the propriety of that advice; and the Government must be perfectly aware that, unless we were prepared to sit silent and admit that the Proclamation had carried out in every respect all that we had been led to expect from the declarations of the Government, there was no other way in which the Motion could have been brought before the House. If we are to be blamed for bringing forward the question in this manner, what was the meaning of the speech of the Chancellor of the Exchequer in Committee on the Bill? The right hon. Gentleman on that occasion appealed to us to treat with confidence the declarations of the Government, and he added—"If the Proclamation does not fulfil the declarations of the Government, it will be competent for you to call the attention of Parliament to it, though the Proclamation itself will stand." I do not suppose that was intended to be an empty declaration. If, then, in our opinion, the Proclamation does not entirely carry out the declarations of the Government, what are we doing but strictly and literally following the suggestion of the right hon. Gentleman in calling attention to the discrepancy between the Proclamation and the promises of the Government? With the permission, therefore, of the Secretary for War, I shall abstain from following him into a discussion of the general merits of the present Administration. No doubt it is a very interesting subject of discussion, and if the right hon. Gentleman and his friends like to give us an evening for the discussion of the general merits of the Administration, I have no doubt that many Gentlemen upon both sides of the House would be happy to avail themselves of it. Upon the present occasion, however, I think it will be more for the convenience and advantage of the House to limit ourselves to the Motion raised, without diverging to the more general subject of the title of the Government to

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confidence. This is, no doubt, a question of a somewhat delicate and difficult kind; but I think it has been treated, on the whole, with great moderation and temper on both sides of the House. The charge which has been brought by my hon. and learned Friend, that the Government have not fulfilled the pledges which they gave, might, no doubt, be made to approach dangerously near to a charge of deliberate bad faith; but my hon. and learned Friend has made no charge of deliberate bad faith, nor has any such charge been made by any Member who supported the Resolution. We do not for a moment impute to the Government anything in the nature of deliberate bad faith. I impute nothing to them beyond what is in the terms of the Motion itself, which appear to me to have been somewhat forgotten in the course of the discussion. There is no question on either side of the House that a pledge was given and that an intention existed of restraining in some way or other the use of the title of Empress in the internal affairs of Her Majesty's dominions. The only question is whether the Proclamation issued by virtue of the Act has or has not made adequate provision for that restraint. We say that it has not, and on the other side they say that it has. Surely that is a question which ought to be discussed deliberately and without accusations of bad faith on either side. There are many ways in which it is conceivable that the Government fell short of their pledges. It may have been through want of care, or through want of ability. Again, it may have been in consequence of something inherent in the original conception of the measure, or it may have been in consequence of the haste in which the pledge was given. Again, it may have been in consequence of the haste—I think the unnecessary haste—with which the Proclamation was issued after the passing of the Act. The work of the limitation of the title could not have been acceptable to the Government. It was not one to which they could have applied their minds with any degree of satisfaction or vigour; and the right hon. Gentleman has just told us that there was no intention to limit the use of the title on the occasion of the first or of the second reading. The first indication of an attempt to limit the use of the title was in the speech delivered by the right

hon. Gentleman the Chancellor of the Exchequer in answer to the Motion which I had the honour to move. The right hon. Gentleman then expressed his astonishment that I should have for one moment imagined that on sundry occasions which I enumerated the title of Empress would be added to the Sovereign's title of Queen. The proposal took a more definite shape in Committee, and a still more definite shape in the House of Lords. It was a proposal that was gradually and by some kind of pressure forced upon the Government and which formed no part of their original plan, and which they could have no anxious desire to see added to their plan. We can assume, therefore, that the pledge was not given with any good heart or grace. I will not read the House any extracts except one, and I am compelled to read that because, as the right hon. Gentleman told us, it contains an answer given in the proper Parliamentary manner. It is a reply to a Question deliberately placed upon the Notice Paper after the issue of the Proclamation by my hon. and learned Friend the Member for Taunton (Sir Henry James). My hon. and learned Friend asked the Chancellor of the Exchequer what was his understanding of the engagements which had been given by the Government and as to his opinion of the way in which the Proclamation carried those engagements into effect? Now, I am perfectly satisfied with the statement and the pledge on behalf of the Government given by the Chancellor of the Exchequer in reply to that Question. He said in substance—"It was stated to be our intention to advise Her Majesty that the title of Empress should not be borne in this country, but that it should be a title of a local character borne in India." With that statement, made after full consideration, I, for my part, without referring to any other speech that was delivered, am perfectly satisfied. Different minds no doubt see the same thing from a very different point of view. The right hon. Gentleman says the Proclamation seems to him emphatically to carry into effect the views and promises of the Government. I must, however, say that after reading the Proclamation with the best attention I was able to give it, it appears to me that a document which orders that on all occasions, with certain exceptions, and in all in-

struments, with certain exceptions, the title of Empress should be used throughout Her Majesty's dominions does not carry into effect the pledge that the title should be one of a local character. I should like in a few words to point out why it is we on this side attach so much importance—and, as hon. Gentlemen opposite may think, undue importance—to the use of new titles in this country and the colonies. There are two classes of cases in which the title can and will be used. There are, first of all, the cases in which it will be used by the Government of the country; and, secondly, those in which it will be used by Her Majesty's subjects in addressing or speaking to Her Majesty. Now, our contention is that in the first class of cases the use of the title has been insufficiently limited; and that in the second—and, in my opinion, the more important class—no pains whatsoever have been taken to limit it. I maintain that that is by far the most important matter. That is a class of cases by means of which it is possible that that may occur which we fear, that the title of Empress shall be permanently super-added to the ancient Royal title of the Crown, and may overshadow and to some extent supersede the ancient simplicity of the title. It is not a mere unimportant addition; it is not the mere addition of the enumeration of territories. The addition which has been made by the Government is not an unmeaning addition, such as might be that of words which already form part of the title, the words "Defender of the Faith." These words do not to us in England convey any idea whatever. They do not possess any attraction which would bring them into general use. My right hon. Friend the Member for Pontefract (Mr. Childers) said that if the colonies were invited to settle the Royal title for themselves, warm debates would arise. Certainly the addition of Empress is one that possesses considerable attraction to certain classes, and it is perfectly possible that the addition may, in the ordinary usage of the country, become an addition generally used; and it is not from any pedantic objections that we have inquired most scrupulously as to the documents in which the title is to appear. We have made those inquiries because we believe that the addition to the title in these documents will be one of the

most powerful means of introducing it into ordinary use that can possibly be imagined. Before I sit down I should like to say a few words with reference to the speech of the hon. and learned Gentleman the Member for Limerick (Mr. Butt), which I, in common with many others, had not the opportunity of hearing. I understand he said he could not support the Motion, and that he made some complaint that I had discouraged the bringing forward of the Motion of the hon. Member for Hackney (Mr. Fawcett), in the discussion of which he intended to take part. I trust I am not unwilling to accept any responsibility which properly devolves upon me; but it does appear to me that the hon. and learned Member for Limerick and the right hon. Gentleman the First Lord of the Treasury have endeavoured to fix a responsibility more than it is right I should bear with regard to the Motion of the hon. Member for Hackney. My position with regard to that Motion was perfectly clear. I stated if my hon. Friend obtained a day that, holding the opinions I did, I should have no alternative but to vote for it. It did not rest with me whether the hon. Member should have a day or not; it rested with the right hon. Gentleman at the head of the Government; and if the right hon. Gentleman choose to say he would not give him a day unless I adopted the Motion, that was placing, I say, an undue responsibility upon me. If I had said that I was willing to adopt the Motion of my hon. Friend the Member for Hackney I should have pledged myself to the opinion, not only that the Motion was right in the abstract, and that I should vote for it, but I should also have been pledging myself to the opinion that there was some good and sufficient reason, some good and sufficient object to be obtained by bringing it forward. That was not my opinion, and therefore I should have been placed in a false position. Sir, I may have been wrong. In the circumstances in which I am placed I have to act according to the best of my judgment, and with the assistance of such of my Friends as I may be able to consult. But did I receive any assistance from the hon. and learned Gentleman the Member for Limerick and his friends? I am under the impression that the hon. and learned Gentleman was in the House on more

than one of the occasions when this matter was discussed. Why did he not rise in his place and urge the importance of giving a day for this discussion? We know that the right hon. Gentleman at the head of the Government has not on former occasions turned a deaf ear to the appeals of the hon. and learned Member. I recollect an occasion in the course of last Session, if I may without irregularity refer to what took place last year, when the Prime Minister complained that one of the impediments against which he had to contend was that he had to meet two Oppositions instead of one, and that one of them was the opposition of hon. Gentlemen from Ireland. Well, Sir, the Irish Opposition is recognized by the right hon. Gentleman, and no doubt the leader of the Irish Opposition would have been recognized also if he had made an appeal to the right hon. Gentleman opposite. As I have said, I have to act according to the best of my judgment, and I cannot expect, and I never did expect, that every one will approve of the position that I may take up. It appeared to me that the issue proposed to be raised by my hon. Friend the Member for Hackney was very nearly, if not identically, the same as that which had been already decided by the House. It did not seem to me that much new light would have been thrown upon the matter, and the opinion of the House had been, as I thought, unequivocally expressed upon the measure. And I can assure the House that nothing would have induced me to utter another word on this painful question if the Proclamation issued under the terms of the Act had been such as we on this side of the House had been led to expect. That has not been the case. Whether through the fault of the Government or through the want of apprehension on the part of myself or my friends is not now the question; but certainly the Proclamation is not couched in the terms we anticipated, and I think we should have failed in our duty if we had not brought the matter before the House. Some hon. Members seem to think that this is a small question, and that we are wasting the time of the House in discussing it. To us it appears to be an important question, and for two reasons. It is important because we think that everything that touches in any degree, even in name, the honour

and dignity of our Sovereign is of importance to us. It is important to us in another respect. It is important to us in regard to the conduct and management of our proceedings in this House. Our debates are sometimes—indeed, often—warm, they are sometimes somewhat bitter, but they are redeemed generally from extreme bitterness by the faith and confidence which each side places in its opponents. I think, then, that when a misunderstanding has arisen—whosoever the fault may have been—it will tend to future good understanding among all parties that the matter should be frankly brought forward and discussed in this House, rather than that imputations should be made privately or among Members of the House upon the subject. Sir, it is for these reasons that, knowing perfectly well what the result of the division will be, whether it be a Vote of Confidence or not, and miserably small as our minority may be, we believe we have no alternative but to bring this Motion before the House of Commons.

Question put.

The House *divided*:—Ayes 226; Noes 334: Majority 108.

AYES.

Acland, Sir T. D.	Carter, R. M.
Allen, W. S.	Cartwright, W. C.
Amory, Sir J. H.	Cave, T.
Anderson, G.	Cavendish, Lord F. C.
Anstruther, Sir R.	Cavendish, Lord G.
Antrobus, Sir E.	Chadwick, D.
Ashley, hon. E. M.	Chambers, Sir T.
Backhouse, E.	Childers, rt. hon. H.
Barclay, A. C.	Cholmeley, Sir H.
Barclay, J. W.	Clarke, J. C.
Bass, A.	Clifford, C. C.
Baxter, rt. hon. W. E.	Cogan, rt. hn. W. H. F.
Bazley, Sir T.	Cole, H. T.
Beaumont, Major F.	Colebrooke, Sir T. E.
Beaumont, W. B.	Colman, J. J.
Biddulph, M.	Conyngham, Lord F.
Blake, T.	Corbett, J.
Blennerhassett, R. P.	Cotea, C. C.
Brassey, H. A.	Cowan, J.
Brassey, T.	Cowen, J.
Briggs, W. E.	Cowper, hon. H. F.
Bright, Jacob	Crawford, J. S.
Bright, rt. hon. J.	Cross, J. K.
Bristowe, S. B.	Crossley, J.
Brocklehurst, W. C.	Davie, Sir H. R. F.
Brogden, A.	Davies, D.
Brown, A. H.	Davies, R.
Brown, J. C.	Dease, E.
Burt, T.	Dickson, T. A.
Cameron, C.	Dilke, Sir C. W.
Campbell, Sir G.	Dillwyn, L. L.
Campbell-Bannerman,	Dixon, G.
H.	Dodds, J.

Dodson, rt. hon. J. G. M'Arthur, A.
 Downing, M'C. M'Lagan, P.
 Duff, M. E. G. M'Laren, D.
 Duff, R. W. Maitland, J.
 Dunbar, J. Maitland, W. F.
 Dundas, J.C. Marjoribanks, Sir D. C.
 Earp, T. Marling, S. S.
 Edwards, H. Martin, P.
 Egerton, hon. Adm. F. Martin, P. W.
 Errington, G. Massey, rt. hon. W. N.
 Esmonde, Sir J. Matheson, A.
 Evans, T. W. Meldon, C. H.
 Fawcett, H. Middleton, Sir A. E.
 Ferguson, R. Milbank, F. A.
 Fitzmaurice, Lord E. Monk, C. J.
 Fitzwilliam, hon. C. Montagu, rt. hn. Lord R.
 W. W. Moore, A.
 Fletcher, I. Morgan, G. O.
 Foljambe, F. J. S. Morley, S.
 Forster, rt. hon. W. E. Mundella, A. J.
 Forster, Sir C. Muntz, P. H.
 Gladstone, rt. hn. W. E. Mure, Colonel
 Gladstone, W. H. Murphy, N. D.
 Goschen, rt. hon. G. J. Noel, E.
 Gourley, E. T. Nolan, Captain
 Gower, hon. E. F. L. Norwood, C. M.
 Grey, Earl de O'Brien, Sir P.
 Grieve, J. J. O'Byrne, W. R.
 Hankey, T. O'Callaghan, hon. W.
 Harcourt, Sir W. V. O'Connor, D. M.
 Harrison, C. O'Connor Don, The
 Harrison, J. F. O'Keeffe, J.
 Hartington, Marq. of O'Loughlen, rt. hon. Sir
 Havelock, Sir H. C. M.
 Hayter, A. D. O'Reilly, M.
 Herbert, H. A. Palmer, C. M.
 Herschell, F. Pease, J. W.
 Hill, T. R. Peel, A. W.
 Hodgson, K. D. Pender, J.
 Holland, S. Pennington, F.
 Holms, J. Playfair, rt. hon. L.
 Holms, W. Plimsoll, S.
 Hopwood, C. H. Portman, hn. W. H. B.
 Howard, hon. C. Potter, T. B.
 Howard, E. S. Price, W. E.
 Hughes, W. B. Ralli, P.
 Ingram, W. J. Ramsay, J.
 Jackson, Sir H. M. Rashleigh, Sir C.
 James, Sir H. Redmond, W. A.
 James, W. H. Reed, E. J.
 Jenkins, D. J. Richard, H.
 Jenkins, E. Robertson, H.
 Johnstone, Sir H. Russell, Lord A.
 Kay - Shuttleworth, Rylands, P.
 U. J. St. Aubyn, Sir J.
 Knatchbull-Hugessen, Samuda, J. D'A.
 rt. hon. E. Samuelson, B.
 Laing, S. Seely, C.
 Lambert, N. G. Sheridan, H. B.
 Laverton, A. Sherlock, Mr. Serjeant
 Law, rt. hon. H. Sherriff, A. C.
 Lawrence, Sir J. C. Simon, Mr. Serjeant
 Lawson, Sir W. Sinclair, Sir J. G. T.
 Leatham, E. A. Smith, E.
 Lefevre, G. J. S. Smyth, R.
 Leith, J. F. Stacpoole, W.
 Lloyd, M. Stansfeld, rt. hon. J.
 Locke, J. Stanton, A. J.
 Lowe, rt. hon. R. Stevenson, J. C.
 Lubbock, Sir J. Stuart, Colonel
 Lush, Dr. Swanston, A.
 Macdonald, A. Talbot, C. R. M.
 Mackintosh, C. F. Tavistock, Marquess of

Taylor, D.
 Taylor, P. A.
 Temple, rt. hon. W.
 Cowper-
 Tracy, hon. C. R. D.
 Hanbury-
 Trevelyan, G. O.
 Villiers, rt. hon. C. P.
 Vivian, H. H.
 Waddy, S. D.
 Walter, J.
 Weguelin, T. M.

Whalley, G. H.
 Whitbread, S.
 Whitwell, J.
 Whitworth, B.
 Whitworth, W.
 Williams, W.
 Wilson, C.
 Wilson, Sir M.
 Young, A. W.

TELLERS.

Adam, rt. hon. W. P.
 Kensington, Lord

NOES.

Adderley, rt. hn. Sir C.
 Agnew, R. V.
 Alexander, Colonel
 Allen, Major
 Allsopp, C.
 Allsopp, H.
 Anstruther, Sir W.
 Archdale, W. H.
 Arkwright, A. P.
 Ashbury, J. L.
 Assheton, R.
 Astley, Sir J. D.
 Bagge, Sir W.
 Bailey, Sir J. R.
 Balfour, A. J.
 Barne, F. St. J. N.
 Barrington, Viscount
 Barttelot, Sir W. B.
 Bates, E.
 Bateson, Sir T.
 Bathurst, A. A.
 Beach, rt. hn. Sir M. H.
 Beach, W. W. B.
 Bective, Earl of
 Bennett-Stanford, V. F.
 Bentinck, rt. hn. G. C.
 Beresford, Lord C.
 Beresford, G. de la Poer
 Beresford, Colonel M.
 Birley, H.
 Blackburne, Col. J. I.
 Boord, T. W.
 Bourke, hon. R.
 Bourne, Colonel
 Bousfield, Major
 Bowyer, Sir G.
 Bright, R.
 Brise, Colonel R.
 Broadley, W. H. H.
 Brooks, W. C.
 Bruce, hon. T.
 Bruen, H.
 Brymer, W. E.
 Bulwer, J. R.
 Burrell, Sir P.
 Butler-Johnstone, H. A.
 Buxton, Sir R. J.
 Cameron, D.
 Campbell, C.
 Cartwright, F.
 Cave, rt. hon. S.
 Cawley, C. E.
 Cecil, Lord E. H. B. G.
 Chainé, J.
 Chaplin, Colonel E.
 Chaplin, H.
 Chapman, J.
 Charley, W. T.
 Christie, W. L.
 Churchill, Lord R.
 Clifton, T. H.
 Clive, hon. Col. G. W.
 Close, M. C.
 Clowes, S. W.
 Cobbett, J. M.
 Cobbold, T. C.
 Cochrane, A. D. W. R. B.
 Cole, Col. hon. H. A.
 Coope, O. E.
 Corbett, Colonel
 Cordes, T.
 Corry, hon. H. W. L.
 Corry, J. P.
 Cotton, rt. hn. W. J. R.
 Crichton, Viscount
 Cross, rt. hon. R. A.
 Cubitt, G.
 Cuninghame, Sir W.
 Cust, H. C.
 Dalkeith, Earl of
 Dalrymple, C.
 Damer, Capt. Dawson-
 Davenport, W. B.
 Deakin, J. H.
 Denison, C. B.
 Denison, W. B.
 Denison, W. E.
 Dickson, Major A. G.
 Digby, hon. Capt. E.
 Disraeli, rt. hon. B.
 Douglas, Sir G.
 Duff, J.
 Dyott, Colonel R.
 Eaton, H. W.
 Edmonstone, Admiral
 Sir W.
 Egerton, hon. A. F.
 Egerton, Sir P. G.
 Egerton, hon. W.
 Elcho, Lord
 Elliot, Sir G.
 Elliot, G. W.
 Elphinstone, Sir J. D. H.
 Emlyn, Viscount
 Eslington, Lord
 Ewing, A. O.
 Fellowes, E.
 Finch, G. H.
 Floyer, J.
 Folkestone, Viscount
 Forester, C. T. W.
 Forsyth, W.
 Fraser, Sir W. A.
 Freshfield, C. K.
 Gallwey, Sir W. P.
 Galway, Viscount

Gardner, J. T. Agg-
Gardner, R. Richard-
son-
Garnier, J. C.
Gibson, E.
Gipin, Sir R. T.
Goddard, A. L.
Goldney, G.
Gooch, Sir D.
Gordon, rt. hon. E. S.
Gordon, W.
Gore, W. R. O.
Gorst, J. E.
Grantham, W.
Greenall, Sir G.
Greene, E.
Gregory, G. B.
Guinness, Sir A.
Hall, A. W.
Halsey, T. F.
Hamilton, Lord C. J.
Hamilton, Lord G.
Hamilton, Marquess of
Hamilton, I. T.
Hamilton, hon. R. B.
Hamond, C. F.
Hanbury, R. W.
Hardcastle, E.
Hardy, rt. hon. G.
Hardy, J. S.
Harvey, Sir R. B.
Hay, rt. hon. Sir J. C. D.
Heath, R.
Helmsley, Viscount
Henley, rt. hon. J. W.
Heron, E.
Hervey, Lord F.
Heygate, W. U.
Hick, J.
Hildyard, T. B. T.
Hill, A. S.
Hinchbrook, Visct.
Hogg, Sir J. M.
Holford, J. P. G.
Holker, Sir J.
Holland, Sir H. T.
Holmesdale, Viscount
Home, Captain
Hood, hon. Captain A.
W. A. N.
Hope, A. J. B. B.
Hubbard, rt. hon. J.
Hunt, rt. hon. G. W.
Ilmac, S.
Jenkinson, Sir G. S.
Jervis, Colonel
Johnson, J. G.
Johnstone, H.
Johnstone, Sir F.
Jolliffe, hon. S.
Jones, J.
Kavanagh, A. MacM.
Kenealy, Dr.
Kennard, Colonel
Kennaway, Sir J. H.
Knight, P. W.
Knightley, Sir R.
Knowles, T.
Lacoe, Sir E. H. K.
Lawrence, Sir T.
Leamouth, A.
Lee, Major V.
Legard, Sir C.
Lagh, W. J.
Leigh, Lt.-Col. E.
Leighton, S.
Lennox, Lord H.
Lealie, Sir J.
Lewis, C. E.
Lindsay, Col. R. L.
Lindsay, Lord
Lloyd, S.
Lloyd, T. E.
Lopes, H. C.
Lopes, Sir M.
Lorne, Marquess of
Lowther, hon. W.
Lowther, J.
Lusk, Sir A.
Macartney, J. W. E.
Mac Iver, D.
Majendie, L. A.
Makins, Colonel
Malcolm, J. W.
Manners, rt. hn. Lord J.
March, Earl of
Marten, A. G.
Maxwell, Sir W. S.
Mellor, T. W.
Merewether, C. G.
Mills, A.
Mills, Sir C. H.
Monckton, F.
Montgomerie, R.
Montgomery, Sir G. G.
Moore, S.
Morgan, hon. F.
Morris, G.
Mowbray, rt. hon. J. R.
Mulholland, J.
Muncaster, Lord
Naghten, Lt.-Col.
Nevill, C. W.
Neville-Grenville, R.
Newport, Viscount
Noel, rt. hon. G. J.
North, Colonel
Northcote, rt. hon. Sir
S. H.
O'Gorman, P.
O'Neill, hon. E.
Onslow, D.
Paget, R. H.
Palk, Sir L.
Parker, Lt.-Col. W.
Pateshall, E.
Peck, Sir H. W.
Peel, rt. hon. Sir R.
Pell, A.
Pelly, Sir H. C.
Pemberton, E. L.
Pennant, hon. G.
Peploe, Major
Percy, Earl
Phipps, P.
Pim, Captain B.
Plunket, hon. D. R.
Plunkett, hon. R.
Polhill-Turner, Capt.
Powell, W.
Praed, C. T.
Praed, H. B.
Price, Captain
Puleston, J. H.
Raikes, H. C.
Read, C. S.

Rendlesham, Lord
Repton, G. W.
Ridley, M. W.
Ripley, H. W.
Ritchie, C. T.
Rodwell, B. B. H.
Round, J.
Russell, Sir C.
Ryder, G. R.
Sackville, S. G. S.
Salt, T.
Sanderson, T. K.
Sandford, G. M. W.
Sandon, Viscount
Sclater-Booth, rt. hn. G.
Scott, M. D.
Scourfield, Sir J. H.
Selwin-Ibbetson, Sir
H. J.
Shirley, S. E.
Shute, General
Sidebottom, T. H.
Simonds, W. B.
Smith, A.
Smith, F. C.
Smith, S. G.
Smith, W. H.
Smollett, P. B.
Somerset, Lord H. R. C.
Sotheron-Estcourt, G.
Spinks, Mr. Serjeant
Stanhope, W. T. W. S.
Stanley, hon. F.
Starkey, L. R.
Starkie, J. P. C.
Steere, L.
Stewart, M. J.
Storer, G.
Sykes, C.
Talbot, J. G.
Taylor, rt. hon. Col.
Tennant, R.
Thornhill, T.
Thwaites, D.
Thynne, Lord H. F.
Tollemache, hon. W. F.
Torr, J.
Tremayne, J.
Trevor, Lord A. E. Hill-
Turnor, E.
Twells, P.
Verner, E. W.
Wait, W. K.
Walker, T. E.
Wallace, Sir R.
Walpole, rt. hon. S.
Walah, hon. A.
Waterhouse, S.
Watney, J.
Welby-Gregory, Sir W.
Wellesley, Captain
Wells, E.
Wethered, T. O.
Wheelhouse, W. S. J.
Whitelaw, A.
Williams, Sir F. M.
Wilmot, Sir H.
Wilmot, Sir J. E.
Wolff, Sir H. D.
Woodd, B. T.
Wroughton, P.
Wyndham, hon. P.
Wynn, C. W. W.
Yarmouth, Earl of
Yeaman, J.
Yorke, hon. E.
Yorke, J. R.
TELLERS.
Dyke, Sir W. H.
Winn, R.

House adjourned at half
after One o'clock.

HOUSE OF LORDS,

Friday, 12th May, 1876.

MINUTES.]—PUBLIC BILLS—*Second Reading*—
Publicans Certificates (Scotland) (66).
Committee—Gas and Water Orders Confirma-
tion* (55).

COOLIE TRADE IN THE MAURITIUS.— THE ROYAL COMMISSION.

QUESTION. • OBSERVATIONS.

THE EARL OF KIMBERLEY said, that he desired to preface the Question to his noble Friend the Secretary for the Colonies on the subject of the Coolie Trade in the Mauritius, of which he had given Notice, with a few observations. It would be in the recollection of their

Lordships that in 1871, in consequence of a Memorial presented to the Government in that year, a Commission was appointed to inquire into the condition of the Coolies in that island. After a lengthened inquiry the Commissioners issued their Report in 1874; and last year the noble Earl the Secretary for the Colonies wrote a despatch to the Governor in which he summarized the recommendations in the Report and stated generally his views as to the way in which those recommendations should be carried into effect. There could be no doubt that the circumstances found to exist amply justified the appointment of the Commission. In 1867 a Colonial Act was passed for the purpose of dealing with the question of vagrancy. He did not say that some such enactment was not necessary at the time that Act was passed; but no one could read the Report of the Commissioners without seeing that the Act had been carried out in a most harsh manner. He would not detain their Lordships by many particulars to prove that fact; but their Lordships might judge of the manner in which the police had carried out the law from the circumstance that the gatekeeper of a level crossing was arrested on the supposition that he was a vagrant because he could not produce a ticket. It would appear that this was not a solitary case, because the Chief of the Police thought it necessary to issue an order that persons in the uniform of railway officials should not be arrested. The Commissioners found that there was an officer, known as the Protector, whose duty it was to see that the Coolies were properly treated, but that this officer had no power which would enable him to act; so that his title was a misnomer. The result was such as might have been expected. The Commissioners found that, while on many estates the Coolies were well treated, there were others upon which the "deductions" from their wages were arbitrary and excessive. The state of the hospitals was most unsatisfactory. On some estates there were systematic harshness and cruel treatment of the immigrants. All this, they reported, resulted from there being no efficient system of inspection. They also pointed out that magistrates and other officials were unable to discharge their duties in consequence of their having no knowledge of any Indian language. By

The Earl of Kimberley

way of summing up, they reported that the education provided for the Coolies was very defective, and that they could not say that the condition of the immigrants in the Mauritius was an improvement on what it had been in their native country. The Commissioners suggested that the Vagrant Act of 1867 should be greatly modified, though they did not recommend its entire abolition. He said with regret that his noble Friend (the Earl of Carnarvon) also was of opinion that it could not be entirely dispensed with; but he was glad that his noble Friend had stated in his despatch that it ought to be greatly modified, and that an end must be put to what were known as "vagrant hunts" after escaped immigrants. These, according to the Commissioners, differed very little from slave hunts. Up to 1854 the immigrants were entitled to return passages after a service of five years; but in that year, when the Duke of Newcastle was Colonial Secretary, they were done away with. One of the Commissioners, Mr. Frere, was of opinion that return passages ought not to be provided for the immigrants as had formerly been done; but Mr. Williamson, the other Commissioner, was of a contrary opinion, and he was glad to find that the noble Earl had adopted the views of the latter. Both the Commissioners recommended that the second engagement ought not to be for longer than one year, and that the magistrates and officers at the Immigration Office should be acquainted with at least one Indian language. He attached great importance to the recommendations of the Commissioners; but anything that might be enacted would be of exceedingly little use if power to enforce it was not put in the hands of the Governor. The subject was an important one, seeing that the Coolies numbered 220,000, or nearly two-thirds of the population of the island. He observed with some regret that his noble Friend had stated to a deputation that the Ordinance by which it was intended to carry out the recommendations of the Commissioners was to be drawn up in the island. He thought the better course would have been to draw it up in this country and send out the draft that it might be considered in the Mauritius. He would now, in conclusion, ask the Secretary of State for the Colonies what steps have been taken to carry into effect

the recommendations of the Royal Commission of Inquiry respecting the treatment of Coolies in Mauritius?

THE EARL OF CARNARVON said, it would be invidious for him to object either to the Question of the noble Earl, which he thought was a very reasonable one, or to the temperate manner in which he had put it. Very little had been said by his noble Friend in which he did not fully agree, and he could assure his noble Friend that the Government were very desirous of improving the condition of the Coolies. The Report of the Commission was a very voluminous one, the Commissioners having gone into a discussion of the circumstances of each property, and that made it very difficult to compile an analysis of the whole. But beyond that cause of delay there was another. On the 4th of March in last year he sent a despatch to the Governor of the Mauritius, inviting the opinion of himself and the Council, and expressing an opinion that an Ordinance would be necessary to give effect to many of the recommendations of the Commission. It appeared that by some misapprehension while, as he believed, the Ordinance was being proceeded with in the Colony, they thought in the Colony that it was being proceeded with here, and it was only late in the year that this misapprehension was discovered. He then wrote to the Governor, desiring that he should draft the Ordinance. He believed it was now on its way to this country, and that it might be expected by the next mail. His object in having it drafted in the Mauritius was that he might in the first instance obtain the opinion of the local authorities, and so save time. The despatch to which his noble Friend had alluded was an analysis of the Report of the Commission. As to the question of the "vagrant hunts," he quite agreed with his noble Friend that nothing could be worse than the state of things disclosed in the Report—it demanded immediate attention. It was impossible to at once deal with it as a whole; but he had so far dealt with it in his despatch as to direct that the "vagrant hunts" should be done away with, and the law carried out in a fair spirit, that the power of the police to arrest persons should be limited, and that illegal arrests should be punishable. He believed that ultimately a satisfactory solution of the

question would be brought about. As to return passages, he was himself in favour of them. The opinions of the Commissioners were divided; but, at the same time, the Governor, of whose judgment he had a high opinion, and most of the officials in the Colony were against it. In other colonies return passages were given as a protection to the emigrants. He did not think they were so much required in Mauritius on that ground, but were desirable rather for reasons of expediency. The immigration was very large, and led to a vast amount of vagrancy—there were said to be in the Mauritius no fewer than 10,000 vagrants—and the moral and sanitary condition of these people was bad. On the other hand, he understood that the Indian population in the island had acquired almost a monopoly of small trades and successfully competed with the Natives for domestic service. As to the payment of wages, he had always thought it expedient, and had suggested in his despatch, that the payments should be monthly. The Governor concurred in the suggestion; but it was said that there was some difficulty in the way of carrying it out owing to the planters not being always able to procure coin. The Coolies in the West Indian Islands had to provide themselves with food, but in Mauritius rations were provided for them, so that they had not the same necessity for ready money at all times. He was opposed, however, to large arrears. As to medical treatment, that was another difficult point; but he thought the medical men entrusted with the supervision of the Coolies should be as independent as possible of the planters, because as between the planter and the Coolie he was afraid the case of the latter would be postponed. It would be, perhaps, too expensive to maintain medical men solely for the Coolies; but he was in favour of the suggestion that while private practice should be allowed to the medical men having supervision of the Coolies, that permission might be withdrawn where the Governor saw fit to withdraw it. He concurred with his noble Friend that whatever laws and Ordinances they might frame, they must, after all, entrust large powers to the Governors. There was an embarrassing ignorance of the language of the Coolies in the Courts referred to by his noble

Friend. Even the interpreters were so ignorant of their craft that they were of little or no use. There were two classes of magistrates—the stipendiary magistrates and the district magistrates. The Commissioners recommended a fusion of the two classes and of the practice in their country. The Governor was in favour not of a fusion but of a complete separation; and he (the Earl of Carnarvon) believed that separation was the preferable policy. It was not necessary that the stipendiary magistrate should be a trained lawyer. The ability to do the work he had to perform was easily acquired. A knowledge of our Indian language by the person to be appointed to the office was, however, very desirable, and he was informed that eligible candidates could be found in India. He thought the choice of the Government in respect of these appointments ought to be left free, while at the same time the local Bar ought not to be excluded. He had, he thought, now touched upon all the points raised by his noble Friend. He wished only to add his belief that of late years the position of the Coolies had been improved in some important particulars; but while admitting the condition of the Coolie in the Mauritius was not what it should be, he could not go so far as his noble Friend, and say it was not better than it had been in his native country. A few years ago the disproportion of the sexes led to great irregularities; but the latest Returns showed that the female Coolie population was increasing considerably—there were now 58,000 females to 150,000 males. Again, the mortality was much reduced—and, quoting again the last Returns, he found that while the mortality of the general population was 27 and a decimal per 1,000, that of the Coolies was 23. As to their monetary condition it was very satisfactory. In 1870 of 4,000 Coolies who returned to India 3,500 paid the passage money and took away between 600,000 and 700,000 rupees. The deposits which the Coolies held at the Savings Banks amounted to £120,000; and some individuals among them had amassed large sums and purchased property. He believed the Governor was anxiously watching every opportunity for improving the condition of those people, and he had every confidence that the efforts in that direction would be successful.

The Earl of Carnarvon

VISCOUNT CARDWELL said he took great interest in the question; but after the speech of the noble Earl the Secretary for the Colonies there was no need for his saying much in addition to what had been urged by his noble Friend who had introduced the subject (the Earl of Kimberley.) There appeared to have been some delay in preparing the new Ordinances, but he hoped it would arrive by an early mail. When the despatches containing those opinions which the Earl had referred to as being entertained by the Governor and the Ordinance were on the Table, their Lordships would be in a better position to discuss the whole matter if further discussion should be found necessary. They seemed to be all pretty well agreed as to the manner in which the Coolies should be treated and as to the objections to which the present system too frequently gave rise. His noble Friend (the Earl of Kimberley) was not expressing his own opinion, but that of the Commissioners, when he stated that the condition of the Coolie in Mauritius was not better than what it had been in his own country; but he was gratified that the noble Earl (the Earl of Carnarvon) saw his way to taking a more favourable view, and he was sure that his noble Friend was equally so. As to return passage money, he thought the noble Earl had shown that there was an additional reason for giving it to the immigrants in Mauritius—namely, that it was desirable on grounds of expediency; and the Governor had expressed a decided opinion in its favour in consequence of the density of the population. The people of Mauritius were principally Natives of India, and the return passage was not costly, and that was an additional reason why they should apply to the Mauritius the rules which were applicable to all tropical colonies.

THE EARL OF CARNARVON wished to explain that he had qualified his observations in reference to the density of the population, and had stated that it was being absorbed in the local trades.

VISCOUNT CARDWELL said, that such a state of things must be satisfactory. In regard to the magistracy he thought it would be well to employ uncovenanted servants from India, who understood the Coolie well, and made good administrators of justice. He would also mention that in the West

India Islands, in the case of an estate on which abuse was proved to have prevailed, the Governor had the power of refusing to permit the owner to receive more immigrants, but there was no such power in the Mauritius, and he would suggest to his noble Friend whether it would not be well that there should be such a power there. The present Governor of the Mauritius had gone there with great Indian experience, and he might state that Sir John Peter Grant, when Governor of Jamaica, who was also a great Indian administrator, had shown what could be done; and he (Viscount Cardwell) hoped the same thing was in store for the Mauritius. The present system of immigration was capable of yielding great benefit both to employer and employed—both to the proprietor in Mauritius and to the Coolie in India; yet it required so much careful watching, and was liable in its nature to so many evils that a very influential body of Civil servants in India had come to the conclusion that they would be better without it altogether. He did not share in that opinion, and he hoped when the new regulations were before them that apprehension would be entirely dispelled from the minds of the Indian Civil Service, and that mutual advantage would be found to accrue both to the employer of labour and to the Coolie.

LORD STANLEY OF ALDERLEY expressed himself satisfied with the observations of the noble Earl (the Colonial Secretary), especially as regarded his intentions of remodelling the magistracy.

PUBLICANS' CERTIFICATES (SCOTLAND) BILL—(No. 66.)

(*The Earl Stanhope*)

SECOND READING.

Order of the Day for the Second Reading, read.

EARL STANHOPE, in moving that the Bill be now read the second time, said, its object was to assimilate the law of Scotland relating to the granting of licences to sell intoxicating liquors to that of England. Their Lordships, no doubt, to some extent were perfectly conversant with the system which prevailed at present in Scotland, which was, in fact, very much the same as that which prevailed

in this country before the passing of the Licensing Act. Certificates were granted at the statutory meetings held in counties, and by the borough magistrates at similar meetings. There were a great many objections to the system, one of the chief of which was that it rendered the obtaining of licences too easy, and that the cases were not as thoroughly sifted as they required to be. There were two other objections, one of which was that the magistrates were very much troubled with canvassing for their votes; and, secondly, that as regarded the granting of certificates, it very often happened that the magistrates assembled at the county and other meetings had really no voice in the matter, because an appeal lay to the Quarter Sessions to grant licences over their heads. Now, it stood to reason that the local magistrates must have a far greater knowledge of the requirements of the neighbourhood than those who resided at a distance. In fact, things had gone so far that in 1873 there were as many as 250 licences granted on appeal which had been rejected by the local magistrates—that was to say, that one-seventh of the whole number of licences granted in Scotland in 1873 were granted on appeal to the Quarter Sessions. This Bill had passed the House of Commons with the concurrence of the Scotch Members on both sides. To remedy these objections he had stated, the 5th clause provided that no appeal from the magistrates of counties and burghs refusing any application for a new certificate should lie to Quarter Sessions, but that the refusal of the local magistrates should be final. The 6th clause, another important clause in the Bill, provided that the grant of a new certificate in any county in Scotland should not be valid unless it was confirmed by a standing committee of the justices, called the County Licensing Committee; and as to burgh licences, by the 8th clause the new certificates were not to be valid unless confirmed by a joint committee of the burgh and county magistrates. The 7th and 9th clauses provided for the constitution and procedure of the County Licensing Committee in counties and of the joint committee in burghs. There was one provision also which it was necessary to introduce to assimilate the law, and that was as re-

garded the rights of owners of property to obtain a provisional licence for any premises about to be constructed or altered for the purpose of being used as a licensed public-house. It was felt to be a very great hardship upon owners of property who were constructing public-houses suited to the neighbourhood if, after they were completed, such certificates should be refused at the last moment. In England the practice was for the owner to obtain provisional licences, which would be subsequently renewed if the magistrates were satisfied that the wants of the neighbourhood required such additional accommodation, and that the house itself was suitable for the business. The 13th clause accordingly provided for the granting of provisional certificates by the county and borough Licensing Committees; but such provisional certificate would not be of any validity until it should have been ordered to be exchanged for a certificate under the Public-houses Acts Amendment (Scotland) Act, 1862. The only other clause to which he need refer was the 16th, which dispensed with the personal attendance of the person holding a certificate when applying for the renewal of the licence. It had been found that this provision worked very well in England, and there was no reason why it should not apply in Scotland. The Bill, in fact, was a very simple one. It had been proved by experience to work well in England, and having met with the approbation of the other House, and being asked for by the majority of the Scotch Members, he hoped that no objection would be raised to it in their Lordships' House.

Moved, "That the Bill be now read 2^a."
—(*The Earl Stanhope.*)

THE DUKE OF ARGYLL said, that he did not rise to express any adverse opinion to the Bill, but in the first place to present a Petition placed in his hands from the Commissioners of Supply of the county of Renfrew, in which the Petitioners expressed their opinion that the Bill would remove much of the objection felt to the present system. With regard to the main object of the measure—that of changing the system of granting licences by the whole body of the magistrates and placing it in the hands of a small Licensing Committee, he had no doubt whatever it would

prove a great improvement in the law, and remove many of the objections to which the noble Earl (Earl Stanhope) had referred. With regard to another portion of the Bill—that relating to provisional certificates in respect of new premises—which made a very important change in the law of Scotland, he confessed that he entertained considerable doubt. Under the present law in Scotland, they could only grant licences to the tenants of houses actually existing, but by the English system they could be obtained by landlords in respect to houses not yet built. That did not exist in Scotland, and they now proposed to introduce it into that country for the first time. He doubted whether it would be an improvement; at all events it was a very great change in the law, and he could not help thinking that some time ought to be allowed to elapse before going into Committee on the Bill, in order to give an opportunity of ascertaining the feeling of the people of Scotland on the subject. With regard to the first part of the Bill, there was no doubt whatever that it would be a very valuable change in the law. It was not a very common occurrence for a Bill of such importance as this to be introduced by a private Member, and he believed that the people of Scotland, seeing that it was in the hands of a private Member, had come to the conclusion that it was not likely to pass; but at the last moment, when it had actually passed the House of Commons, when they found that it had to a certain extent the sanction and support of the Government, they had begun to alter that opinion. There were a number of Amendments proposed to be introduced in the Bill which he had reason to believe had been suggested by the Lord Advocate. He should like to ask the noble Earl opposite whether he would give them some assurance, before going into Committee on the Bill, whether he was disposed to accept the Amendments—because this was a matter of considerable importance, and ought not to be hastily dealt with.

THE DUKE OF BUCCLEUCH concurred in the observations of the noble Duke (the Duke of Argyll). He thought that the evils of the present system had been made the most of by the supporters of the Bill, and he knew that, so far from the licences being granted by a very

Earl Stanhope

large body of magistrates, there was often considerable difficulty in getting a sufficient number of justices together to decide upon the local merits of the candidates for licences. It might probably be an improvement to form Licensing Committees, but so far as regarded the granting of provisional licences, he quite agreed with what the noble Duke had said. Hitherto in Scotland licences had always been granted to the tenant or occupier of the house, and not to the owner—and on this plain ground, that the tenant or occupier was the person really responsible for the manner in which the house was conducted, and not the owner, who probably was a long way off, and had nothing to do with the management. He very much doubted the expediency of extending this provision to Scotland. This provision was not originally in the Bill, but was added to it while passing through the House of Commons, and he was informed that the opinion of the Scotch magistracy generally was averse to it. The great difficulty they had to encounter in respect to increase of public-houses, was the want of courage on the part of the magistrates to refuse licences when applied for, and thus reduce the number granted. He was disposed to think that the number of licences granted to grocers and other tradespeople to sell spirits was the cause of a great deal of drunkenness in Scotland. He fully concurred with the noble Duke (the Duke of Argyll) that ample time should be given to communicate with Scotland before going into Committee.

THE DUKE OF RICHMOND AND GORDON said, he agreed with his two noble Friends who had last spoken that time ought to be given before going into Committee on the Bill, so that the various Amendments might be considered. Nor did he think his noble Friend (Earl Stanhope) would lose time by taking that course, and he would insure that the measure would be made more complete and perfect. There was no question that the scope of the Bill, especially as regarded the provisional certificate clauses, was at variance with the practice which now prevailed in Scotland. The noble Duke opposite (the Duke of Argyll) had alluded to some Amendments which he had before him. These Amendments had been under the consideration of the Lord Advocate, who, he thought he

might say, was favourable to several of them. He would suggest to his noble Friend in charge of the Bill not only that he should give time for consideration before going into Committee, but that he would put himself in communication with the Lord Advocate, so that they might agree on what Amendments might be inserted. Many of the provisions of the Bill were well worth his support and would unquestionably be an improvement to the law as it now stood.

EARL STANHOPE said, he was quite aware of the importance of having the measure fully discussed, but he must say a word as to the time which the measure had already been before the country. His hon. Friend the Member for Glasgow (Dr. Cameron), who introduced it in the other House, brought it forward last Session; therefore, the country had had it before them since that time. Moreover, his hon. Friend represented a very large constituency, to whom the subject was of great importance. He quite admitted that the introduction of the principle of granting provisional licences to owners of houses was a novelty, but he would remind the noble Duke that the clause was qualified by restrictions which he thought would be sufficient.

THE DUKE OF ARGYLL said, that the noble Lord had not answered the question as to what time he proposed the Bill should be committed.

EARL STANHOPE proposed to fix the Committee for that day fortnight.

Motion agreed to: Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Friday* the 26th *instant*.

House adjourned at a quarter before
Seven o'clock, to Monday
next, a quarter before
Five o'clock.

HOUSE OF COMMONS,

Friday, 12th May, 1876.

MINUTES.]—NEW WRIT ISSUED—*For* Cork City, *v.* Joseph Philip Ronayne, esquire, deceased.

PUBLIC BILLS — *Ordered* — *First Reading*—Waterford, New Ross, and Wexford Junction Railway (Sale) * [148].

Considered as amended—Industrial and Provident Societies * [139].

Third Reading—Local Government Provisional Orders, Briton Ferry, &c. (No. 4) * [134]; Local Government Provisional Order, Skelmersdale (No. 5) * [135], and *passed*.

THE NAVAL DISCIPLINE ACT—FLOGGING IN THE NAVY.—QUESTION.

MR. P. A. TAYLOR asked the First Lord of the Admiralty, Whether it is his intention to bring in a Bill this Session to amend "The Naval Discipline Act, 1866"?

MR. HUNT, in reply, said, he did not propose to bring in any such measure.

MR. P. A. TAYLOR gave Notice that on an early day he should move, That, in the opinion of the House, the time had arrived when flogging in the Navy should be abolished.

POOR LAW (IRELAND)—CLIFDEN UNION.—QUESTION.

CAPTAIN NOLAN asked the Chief Secretary for Ireland, If the Local Government Board have received a statement from Mr. Rody Mollen of Clifden, to the effect that some of the votes recorded at the late election of the Brecon division of the Clifden Poor Law Union were invalid, the election having been determined by a single vote; and also does the Local Government Board intend to inquire into this matter?

SIR MICHAEL HICKS-BEACH: I am informed that Mr. Mollen, a defeated candidate in the late election for Guardians in the Clifden Union, has impugned the validity of some votes given at the election, and is now prosecuting a person for forgery at the petty sessions. The Local Government Board have withheld their decision as to whether there should be any inquiry until the result of the proceedings to which I have referred is known.

QUEEN'S COLLEGES (IRELAND) QUESTION.

MR. ERRINGTON asked the Chief Secretary for Ireland, Whether the statement in the "Athenæum" of this week is correct—

"That a Treasury Commission has been appointed to inquire and report on the Queen's Colleges in Ireland;"—

and, if so, whether he will state what were the objects and scope of the inquiry?

SIR MICHAEL HICKS-BEACH: The statement in question is correct, and the Commission is now pursuing its inquiry, which is confined to certain points connected with the Queen's Colleges, and does not extend to the Queen's University. The points referred to the Commission are as follows:—The constitution of the College Councils, the present mode of appointment to offices in the Colleges, the distribution of the work of teaching among the Professors and Lecturers, the remuneration of these gentlemen and other officers of the Colleges, and the arrangements in regard to the class fees paid by the students.

CRIMINAL LAW—UNTRIED PRISONERS.—QUESTION.

MR. RYDER asked the Secretary of State for the Home Department, Whether, in consideration of the fact, evidenced by the Return, No. 171, recently made to Parliament, that no less than 117 prisoners were kept in gaol in England and Wales for periods varying from eight to four months, between the Summer Assizes of last year and the Spring Assizes of this year, before being brought to trial, he will take such steps as may be necessary, either by the introduction of a Bill this Session or otherwise, to enable all prisoners who, after the Summer Assizes, are committed for trial to the gaols of towns in which no Winter Assizes are held, for offences triable only by Her Majesty's Judges, to be conveyed to the nearest town where Winter Assizes are held, and tried there at those Assizes?

MR. ASSHETON CROSS, in reply, said, that in his opinion the time had come when the practice referred to should certainly be done away with. He wished it had been so long ago. It would be remembered that on the 10th of March last, he informed the House that it was his intention to introduce, on behalf of the Government, a Bill for the purpose of avoiding delay in criminal trials during the present Session. Since that time he had been in communication with the learned Judges as to the best means of securing the end in view. They had not come to a final decision as to what particular form the Bill should

take, but it was the intention of the Government to deal with the matter before the present Session concluded.

SPAIN—THE "CLEMENTINA."

QUESTION.

MR. GRIEVE asked the Under Secretary of State for Foreign Affairs, If his attention has been called to an article in the evening papers of Wednesday, purporting to be from a correspondent of "The Daily News," written from Malaga, as follows:—

"That the recent capture of the British schooner 'Clementina' by a Spanish revenue cruiser has created great excitement here. The schooner, on her way to Gibraltar, grounded while in the waters of Almeira, and the master not being able to get her off, proceeded to jettison part of the cargo to lighten the ship; while so employed a revenue cruiser came in sight, boarded the vessel with an armed party, and ordered the master and crew down below. One of the guarda costa crew deliberately shot a seaman of the 'Clementina,' who fell mortally wounded on deck, and, notwithstanding the entreaties of the master, they allowed this poor man to be on the deck for two hours, until at last he died, from loss of blood. Instead of taking the 'Clementina' into the port of Almeira, as the Spanish law required, they took the vessel to Malaga, where inquiry was held to which the British Consul was, in the most insulting terms, refused admittance, and the vessel condemned, the booty being divided between the captors and the judge and assessor, who declared her to be a lawful prize;

and, whether he can state that an immediate and searching inquiry shall be made into the allegations, with a view to indemnification by the Spanish Government, of the owner of the "Clementina" and the relatives of the unfortunate seaman, and an ample apology to the British Government for repeated insults to her flag by guarda costa in the vicinity of Gibraltar?

MR. BOURKE, in reply, said, the attention of his noble Friend, the Secretary for Foreign Affairs, had been called to statement in *The Daily News*, and he was of opinion that the statement was correct. From two Reports which had been received from Her Majesty's Consul at Malaga, and one from Her Majesty's Minister at Madrid, it appeared that the account in the newspaper was substantially correct, except that they had heard nothing of any insulting terms having been used to the Consul. A representation was immediately made by Her Majesty's Minister at Madrid to the Spanish

Government, and in consequence of that representation the sale of the vessel had been postponed, and, also in consequence of that representation, the prisoners were allowed to go on bail; at least they were told they might go on bail, provided bail was obtained. Whether bail was obtained or not he was unable to say. Representations also had been made further on the subject by Her Majesty's Minister, the answers to which had not yet been received; but a full inquiry would be demanded of the Spanish Government into the matter. The course which Her Majesty's Government would pursue after that inquiry had been made had not yet been determined; but much must of course depend on the Report that was made as the result of that inquiry. He did not think it would be prudent on his part to say more at present; but he would say this, that if the Report was true, that one of the seamen had been shot and allowed to bleed to death without assistance, it was one of the most gross and wanton outrages which could be conceived. He must say further, in order to relieve the anxiety of those persons who might have friends on board vessels touching the Spanish coast, that none of the crew of the *Clementina* were British subjects. Both the master and the mate were Italians, and all the rest of the crew, including the murdered man, were Spaniards.

THE EGYPTIAN DEBT—MR. CAVE'S REPORT.—QUESTION.

MR. WILLIAM CARTWRIGHT asked the right honourable Member for Shoreham, Whether his attention has been drawn to a discrepancy of £16,000,000, between the Estimate as to the Khedive's indebtedness in his own Report and that given in the Khedive's Decree of May 2, for a proposed unification of his liabilities; and, whether he has any reason to apprehend that he was misled when he put at £75,000,000 the whole indebtedness of the Khedive?

MR. STEPHEN CAVE: Yes, Sir, my attention has been called to this apparent discrepancy, but the hon. Member does not state the case quite accurately. If he will refer to my Report he will see that the amount of £75,000,000 does not include three loans nearly paid off, amounting altogether to £5,000,000.

The difference is thus reduced to £11,000,000. He will also see that I estimated the cost of conversion of the Debt, according to my own plan, at £2,000,000; but I calculate that the cost of conversion under the new scheme will be £7,000,000, by far the larger portion of which is given in the form of a bonus to the holders of Treasury bonds—for the purpose, I suppose, of floating the Debt. This difference will account for another £5,000,000, leaving £6,000,000 to be accounted for. Now, if we take £3,000,000 or £4,000,000 as the excess over the Estimate for the Abyssinian War—which is, of course, merely conjectural—we shall still have between £2,000,000 and £3,000,000 unaccounted for; and I cannot tell without further information whether this is due to any error in the information given to me or whether it is due to increased expenditure since that information was given.

PARLIAMENT—ORDER OF PUBLIC BUSINESS.—QUESTIONS.

THE MARQUESS OF HARTINGTON said, he did not know whether there was any Member of the Treasury Bench present who could give him any information as to the course of Business for next week. He had understood that the Customs and Inland Revenue Bill would be the First Order on Monday; but he did not know whether it was the intention of the Government to take any important Business in case the debate upon the second reading of that Bill should terminate at an early hour. He also understood last night that the Commons Bill would be fixed for Thursday; but he should like to know whether it would be brought forward as the First Order of the Day. It would also be for the convenience of the House to know when the Government intended to introduce the Education Bill.

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that he was not quite sure as to the arrangements, but he thought that this was the idea of the Government at present. On Monday it was proposed to take the Customs and Inland Revenue Bill, and they had not anticipated that that Bill would pass its stage at a very early hour of the evening. If, however, it should pass at an early hour, then he anticipated that the

Government would have some other measure ready to proceed with. He would mention in the course of the evening what measure it was that they would in that event take second. As to Thursday the proposal was, that they should, before entering upon the Orders of the Day, proceed with the notice for the introduction of the Education Bill, and next to that they proposed to take the Committee upon the Customs and Inland Revenue Bill, and after that the Second Order would be the Commons Bill.

LORD ESLINGTON inquired when the Government would take the Report upon the Merchant Shipping Bill?

THE CHANCELLOR OF THE EXCHEQUER: On Monday week.

THE MARQUESS OF HARTINGTON regretted that he omitted to ask when it was intended to introduce the Prisons Bill? It might be well for the convenience of the Government, as well as that of the House, that he should give them Notice that the proposed arrangement that the Commons Bill should be taken the Third Order on Thursday next might not be thought satisfactory; and the Government must not be surprised to find that that arrangement was objected to.

MR. ASSHETON CROSS said, that he would not bring on the Commons Bill at a late period of the evening.

MR. SERJEANT SHERLOCK inquired whether any of the numerous Bills affecting the administration of justice in Ireland were likely to be taken this Session?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he could not at present say when the Bills relating to the administration of justice in Ireland would be laid before the House. The Government had already several Bills of pressing importance on hand, and it would be impossible to say anything definite in reference to further Business until these were disposed of.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

PUBLIC-HOUSES (IRELAND)—SUNDAY CLOSING.—RESOLUTION.

MR. RICHARD SMYTH: I rise, Sir, to move, in accordance with the

Mr. Stephen Cave

Notice which I have placed upon the Paper—

“That, in the opinion of this House, it is expedient that the Law which forbids the general sale of intoxicating drinks during a portion of Sunday in Ireland should be amended so as to apply to the whole of that day.”

I think it possible that some hon. Members who may be favourable to this proposal in substance may yet hesitate to support it, because it is presented to the House in the form of an abstract Resolution. Well, I have to explain that I did all I could to get a place for my Bill, but the Ballot went against me, and I did not think that there was any use in keeping a Bill as a mere dead-letter on the Order Book during the whole of the Session, when there was not the slightest chance of getting an opportunity to discuss it. But I do not know that there is much difference in the ultimate fate of an opposed Bill and of a Resolution in the hands of a private Member. If a non-official Member succeeds in carrying the second reading of a Bill, that is usually the end of it for the Session. Indeed, I may say it is invariably the end of it, if it is vigorously opposed. It amounts to no more than an expression of the opinion of the House to pave the way for future legislation on the part of those who have the time of the House at their command; and for this purpose a Resolution does just as well as a Bill. If, however, there are hon. Members who on principle object to all abstract Resolutions, who have never voted for them, and who never will vote for them, I cannot expect that those hon. Gentlemen will support the proposition which I now make. But, as for others, I trust they will treat this Resolution with the same candid and earnest consideration as if it was a Motion for the second reading of a Bill. I have no wish to draw a darker picture of Ireland than it deserves; but I am bound to state that the prevalence of intemperance in that country is very deeply moving the public mind, and is causing much anxiety among all classes of the population. In proof of this, I need only refer to some of the statements made by the Irish Judges when going circuit at the last Spring Assizes. The Judges are not agitators, or enthusiasts, or ascetics. They are sedate gentlemen, who hold themselves aloof from all fantastic theories, and are not

given to take alarm readily at what they see going on around them. Now, what do they say about the condition of Ireland? Lord Chief Justice Whiteside, after referring to the increase of drunkenness in King's County, observed that he—

“Was not surprised that there were so many associations of people in the country trying to grapple with the vice of intoxication.”

Mr. Justice Keogh said, in County Tyrone—

“I have been told that the majority of the cases with which you will be troubled are attributable to the excessive consumption of ardent spirits.”

Mr. Justice Fitzgerald said, in County Kerry—

“He had been 16 years on the Bench, and he did not exaggerate when he said that 19-20ths of the crime of the calendar was produced by drunkenness. The results of intemperance were pauperism, destitution, gaols, lunatic asylums, workhouses, and the grave.”

Judge Battersby, in County Mayo, dwelt on the evil arising from drunkenness, and added—

“It is difficult to know how to deal with this state of things, or how it is to be remedied.”

Mr. Justice Barry said, in County Waterford—

“The increase of intemperance was very much to be deplored.”

Mr. Justice O'Brien, in Roscommon, said—

“It was needless to comment on the ruinous consequences of the vice of intoxication.”

Mr. Baron Dowse, spoke strongly in Westmeath, Queen's County, and Kildare, saying, among other things—

“He was not a believer in men being made good by Act of Parliament.”

[“Hear, hear!”] Yes, but wait for what follows—

“Sunday closing might do some good, as it kept a man from doing wrong the one-seventh of his time.”

The Inspector of the gaol of Londonderry, a gentleman of great intelligence and experience, told me during the late Assizes, that if were not for whiskey the gaol of Derry would be large enough to accommodate all the criminals of Ireland outside the City of Dublin. But the statements of individuals need not be further quoted, when it is notoriously the opinion of the vast

majority of well-informed and thoughtful men in Ireland—Judges, magistrates, clergy, grand jurors, Poor Law Guardians, merchants, traders, farmers, and even the working classes themselves—that the Legislature has not yet done all that it may do, and that it ought to do, in order to curtail the temptations which beset especially the younger portions of our population. There may be honest differences of opinion about the way of applying a remedy, and it may well be admitted that votes will be recorded against the proposal now before the House by hon. Gentlemen who are as sincerely anxious to promote temperance as any who will vote for it. We are very far from saying that the closing of public-houses on Sunday will be anything like a panacea or a complete cure for the evils which we see around us. At the best it can only be a palliative; but if, as Baron Dowse observed, it should prevent foolish young men from doing wrong a seventh part of their time, it would have done something. We are encouraged to have good hopes from its operation, when we take into account the experience of Scotland, for it is now put beyond doubt that the measure has been a success there. My hon. Friend the Member for Glasgow (Dr. Cameron) obtained a Return recently, showing the number of arrests for drunkenness in Scotland during the year ending June, 1875. This Return distinguishes the arrests made between 8 A.M. on Sunday and 8 A.M. on Monday from those made on the other days of the week. The arrests for the year in the whole of Scotland were 61,173, which would give an average of 8,739 for each of the seven days. But, instead of this, we find that the Sunday arrests were only 2,379, whilst the average for each of the other days was 9,782. When these figures are taken, along with the fact that in England and Ireland the arrests on Sunday are about equal to those made on the other days of the week, it amounts to a positive demonstration that the Forbes-Mackenzie Act, as it is called, has wrought successfully in Scotland. It may be asked why are there any Sunday arrests at all in Scotland when the public-houses are not open at all? But they are open for *bonâ fide* travellers; and I am informed on excellent authority that the persons who are arrested on S

are generally those who have not considered it too great a hardship to walk three Scotch miles to put themselves in order for getting drunk. Again, we are met with an allegation which we find it hard to rebut—namely, that Ireland is not Scotland. For this one night in the House of Commons I am sorry that it is not. It was once suggested that the best cure for Ireland would be to put it at the bottom of the sea for a short time; but I am inclined to think that if it could only become Scotland for one Session of Parliament, the advantage to us would be very great, for then we should have no difficulty in carrying a remedial measure like this, which is supported by four-fifths of the people of Ireland. Not that we grudge to Scotland her good fortune in getting whatever she wants in this House. We have no reason to do so, for I am bound to acknowledge that Scotch Members have done everything in their power to get for Ireland the same concession which Parliament made to them 23 years ago. I frankly own that, no matter how well the law may have wrought in Scotland, we should not be justified in extending it to Ireland unless the opinion of the country was decidedly in favour of such a step. Now we have taken every means that can be thought of to elicit Irish opinion on the question, and the result of those inquiries I shall now lay before the House. Petitions from Ireland alone in favour of this Motion have been presented, signed by about 230,000 persons; whereas, against it, the signatures amount to only 50,000, and it may be of importance to observe that these adverse Petitions have all emanated from public-houses. It has become the fashion to throw cold water on Petitions, and I have even seen it asserted that the healthiest opinion of the country is that which is neither expressed in Petitions nor at public meetings. But I do not suppose that Members of the House of Commons will be disposed to judge of the opinions of their constituents by what their constituents do not say; for in that case we could always assert that a nation was in favour of any measure we proposed, if we could only show that the nation in question was politically dumb. I still believe in the old-fashioned way of making popular opinion known by Petition, and by public meeting. Multitudes of crowded public meetings have been

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held in Ireland during the year in support of this Motion, and I am aware of only one against it, which I will now describe. The publican interest in the town of Strabane, in County Tyrone, a prosperous town of 4,500 inhabitants, took alarm at the progress of the Sunday closing movement, and resolved on a counter demonstration. A public meeting was projected, placards were posted, and the promoters made most laudable efforts to have an imposing assemblage to protest against the Sunday Closing "Coercion Bill." The evening and the hour of meeting arrived, when a great many people gathered around the door of the hall, but would not go in. At length a house was made; a gentleman was moved to the chair, but only two publicans and no sinners appeared on the scene. The chairman, waiting for fresh arrivals, which never came, rose and said that there had been resolutions prepared, but if the trade did not think fit to look after its own interests, it was none of his business.

"In fact," said he, "my own sister keeps a public-house, and she has a six-day licence; that is all I have to say, and I dismiss the meeting,"

which he did amid the hearty cheers of the people outside, who laughed to their hearts' content at the result of this great anti-Sunday closing demonstration in the town of Strabane. It is the same all over Ireland. There is no popular opinion which could stand the ordeal of a public meeting against the closing of public-houses on Sundays. Another test was applied last winter. The Executive Committee of the Irish Sunday Closing Association caused voting papers to be left with every householder in Dublin, Belfast, Cork, Limerick, Waterford, and Londonderry, these being the six principal cities and towns in Ireland. Great care was taken to get a perfectly free and unbiased expression of opinion, and the following are the results. In Dublin there were 25,077 in favour of the measure, and 3,104 against it; Belfast, 23,277 for, and 2,809 against; Cork, 9,172 for, and 1,499 against; Limerick, 5,292 for, and 632 against; Londonderry, 3,082 for, and 649 against; Waterford, 3,425 for, and 195 against. The aggregate vote of the licensed traders in all these towns (for they were also asked their opinion) was 830 for, and 735 against.

The Irish Government, being startled by these figures, set to work to have an investigation of their own. They employed the constabulary to watch the public-houses in these same cities and towns on a certain Sunday to see how many people used them. I suppose the object of the Government was to prove, if possible, that things were not nearly so bad as we represented them to be; that we were exaggerating the evils of Sunday drinking, and that the outcry we were making was unreasonable. But, whatever the object was, I hear that the result was very curious. They have found out, it is said, that the evils are immensely greater than we ever supposed. They have not made known their figures, which, indeed, the right hon. Baronet the Chief Secretary has admitted that he cannot quite stand over, and this hesitation on his part will at once be explained when I state to the House that, as I understand, in one town the police reported that more persons entered the public-houses on Sunday than the whole grown-up population of the place. It is like the supper which Sir Boyle Roche was at in London. He told a friend that every kind of drink in this world was on the table, and several others that he could not remember the names of. The Irish police have outdone their countryman, for they, it is said, reported that every man in Dublin entered a public-house on Sunday, and a great many other Dublin men besides. The result of this Sunday tipping Census will not, I am persuaded, be used by the right hon. Gentleman opposite, but the figures will be kept in the pigeon-holes of Dublin Castle, to be used by some future novelist, who will be writing fictions not founded on facts, being traits and stories of Dublin Castle administration. Of course, the same people were counted over and over again, for a party of six generally stand treat all round in six different public-houses. But, Sir, we never denied that the public-houses were largely used on Sundays. That is our case. And I will tell the House what sort of people do use them on that day. They are not the heads of families at all; but in 9 cases out of 10 they are young persons from 17 to 21 years of age. Let me give one illustration. At the recent Assizes at Londonderry three young men were convicted of a shocking outrage upon a young woman on a Sun-

day evening. It came out in evidence at the trial that they had spent the Sunday afternoon drinking in several public-houses. One of the young men was the son of a respectable widow. He was not a habitual drunkard, but he fell into the temptation of the Sunday tavern, and he and his companions were sentenced by Judge Keogh to 15 years' penal servitude. It is for the accommodation of young men of this stamp that we are asked to keep the public-houses open on Sunday afternoons. We can easily reconcile the figures furnished from the house-to-house canvass with those supplied by the police. The heads of families among the working classes, who see their children going to ruin by Sunday drinking, have been eager to sign the canvassing-papers in favour of the measure I am now advocating, and they have done so for the very reason that their sons and daughters use the public-houses on Sunday. Now, if you intend to govern Ireland, not through the opinion of the householders of Ireland, but through the practices of their children, then the sooner you sweep away the present suffrage the better, and let us have a *plebiscite* of the whole population over 16 years of age. If the majority of the heads of families among the working classes in Ireland were in favour of Sunday taverns, I would not stand here to propose a measure to coerce them, but I would try to create a better opinion outside before recommending Parliamentary action. But as I find that an overwhelming majority of those who are or ought to be responsible for the government of Ireland — that is, the voters — are in favour of protecting the young from the temptations of the public-houses on Sunday, I will continue to urge Parliament to give effect to their wishes, and to make some earnest attempt to do what they believe will be of great service to the sobriety and morals of the people. I need not occupy the time of the House with answering the Sunday beer argument. Irish Members only use that to catch English ears. In Ireland it has no meaning whatever. No doubt some of the more prosperous of the Irish working classes drink bottled porter; but all hon. Gentlemen who indulge in that beverage know that Dublin stout keeps very well as long as the cork is allowed to stay in the bottle, but

not many minutes longer. Then as to shebeens taking the place of licensed houses on Sunday, I am sure the Constabulary, who have shown themselves so efficient in counting the men and women in Ireland who drank whiskey in houses other than their own on a certain Sunday, will not have much difficulty in picking up a man coming out of a shebeen. I think too well of the Irish police to suppose for a moment that they would fail to get on the scent of a shebeen. We may dismiss that fear. I understand that a deputation from one-third of the trade associations of Dublin have waited recently on the hon. Baronet the Member for Dublin (Sir Arthur Guinness) and the hon. Member for Drogheda (Dr. O'Leary) to expostulate against the measure for closing public-houses on Sunday. I have no wish to underrate any expression of opinion of this kind, but I should like to know how many persons attended the meetings which appointed those trade delegates, if they were delegated at all. It is easy to get a hole-and-corner meeting to pass a resolution; but it would be interesting to know what is the legal quorum at these trade meetings. I know a board of trustees, composed of 21 gentlemen. By some oversight in the Act of incorporation, there is no legal quorum of the board's committee; the consequence is that one member can transact the business, and often does. The occasion on which there is only one member present is almost the only occasion on which the board is perfectly unanimous. I should not wonder if these trade meetings in Dublin had nearly as good a reason as this for their unanimity. A certain amount of odium has been thrown upon the Sunday-closing movement by calling it a teetotal movement. If that were true, it could easily bear the odium. Teetotallers are not the most troublesome people in the country; but I am sorry to say the teetotallers are not quite unanimous in favour of this measure. I am informed that some Good Templars and Rechabites refused to sign the canvassing paper in favour of Sunday closing, because they regard the demand as too small. Like the hon. and gallant Member for Waterford (Major O'Gorman), they are willing to spill all the drink and swill the streets with it; but they do not see their way to join in an

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effort merely to limit its use. My hon. and gallant Friend the Member for Waterford made a speech last Session in favour of knocking all whiskey barrels into staves, which rejoiced the teetotalers, and made the hair of the publicans stand on end. It is said that a Good Templar Lodge has had the hon. and gallant Member's speech printed and framed in their lodge-room, and that they have his likeness wrought in beautiful needlework on their flag, and yet the hon. and gallant Member, notwithstanding his alliance with the extreme section of abstainers, has hitherto been adverse to the Motion now before the House. I should hope that to-night he will become an advocate for moderation. Another objection against conceding this measure to Ireland is, that if you allow Irish opinion to predominate, it is really the principle of the Permissive Bill. Now, this argument, whatever it may be worth in itself, is very hard upon the hon. Gentleman the Member for Dundalk (Mr. Callan), for he is against Sunday closing, but is quite fanatical in favour of the Permissive Bill, and I believe has voted for it ever so many times. He can see no connection between the two propositions; but, lest the hon. Member's logic might not be accepted as conclusive on all sides, I beg to submit, most respectfully, that the national opinion of Ireland is not exactly the same thing as the local opinion of an English village. Ireland is something more than an English parish, and any attempt to obliterate the national sentiment of Ireland in matters which concern that country only would, I venture to think, be a great blunder in English statesmanship. Some one said in the debate of last year—I am not sure that it was not the Chief Secretary himself—that if these propositions were carried into law, there would be riots in all the large towns. The right hon. Gentleman has still something to learn of Ireland and Irishmen. An Irishman is always ready for a riot when he has got drink, but no man ever saw an Irishman creating a riot in order to get it. The four great arguments against the Motion—namely, those drawn from dinner beer, clubs, shebeens, and riots may be taken as practically dead. The heads have been wrung off them long ago. The great argument in favour of the measure

is growing from day to day, and that is Irish opinion. I do not need to wait for the publication of the division list to-morrow to tell what Ireland is going to say to-night. Four-fifths of all the Irish votes to be recorded this night will be in favour of the Motion, and yet I am sensible that Ireland is fighting a hard battle. There is a formidable power arrayed against her in every county and borough in England. The licensed victuallers are against us, and anyone who reflects on the political history of this country for the last few years will at once understand what momentous meaning is involved in this admission. It is easy to deal with Irish publicans. They are divided on the question; and even if they were not, they know that we who advocate this measure are not their enemies, while we try to be friends to the country; but the English publicans are to a man against it, and we cannot appease them. I am not so unjust to English Members of this House as to say or to think that their votes will be controlled by this vast power, whose pretensions are becoming a danger to the country. Indeed, I know there are some who are determined to emancipate themselves from it, and who, if the worst came to the worst, would rather be independent Englishmen than servile Members of Parliament. It is seldom that the people of Ireland come before you as they come now. Political animosities are laid aside; but is it come to this—that England is more afraid of the union of Irishmen than she is of their divisions? What harm this measure can do to England I cannot understand; it is for English Members to judge. I have still a hope that the decision of the majority will be that no selfish interest, however powerful, shall be allowed to stand any longer in the way of this measure of justice to Ireland and her people. The hon. Gentleman concluded by moving the Resolution.

THE O'CONOR DON, in seconding the Resolution, said, he felt he was unable to add anything to the force of the arguments addressed to the House by the hon. Member who had just spoken, but he wished to say a few words in answer to the objections which might be urged to the measure embodied in his hon. Friend's Motion. He had never said, and he did not believe, that

any legislative action would put an end to drunkenness in Ireland, or even wholly prevent Sunday drinking, for there were everywhere, unfortunately, persons who would get drink in spite of any legislation. He was prepared to admit that if the public-houses were closed on Sunday, a certain amount of illicit drinking might possibly go on, especially in some of the large towns. But that was not a sufficient argument against the Motion. The question was rather one of degree than one of principle, and what the House had to consider was, whether under the present system a greater amount of drinking and its attendant evils did not exist than would be the case if the Resolution were adopted. He thought the dangers anticipated from shebeens had been exaggerated, and what he wanted to do was to diminish as much as possible the temptations to drink presented to the people on Sunday, their day of leisure and rest. He was far from believing that the Bill would put an end to drunkenness in Ireland. It would, however, largely diminish it, and would in that respect far more than counter-balance any evils that might result from some illicit drinking. Much of the whiskey sold in licensed houses was as bad and as maddening in its effects as that vended in the worst of the illicit houses, and if a certain amount of illicit drinking went on, it would produce results very little, if any, worse than the drinking in licensed houses in proportion to the amount consumed in each. The Bill was spoken of by its opponents as a bad and arbitrary proposal—a kind of Coercion Act—and the closing of these houses on Sundays was spoken of as an evil as great as the deprivation of the personal liberty of the subject. But it was for those who said so to prove the assertion; as they appeared to have overlooked the fact that the publicans were really seeking to perpetuate exceptional laws in their own favour. Was it not the fact that every other trader had his house closed on Sunday? It was for the trade of the publican alone this exceptional legislation was permitted—that trade which led to the commission of nearly all the crime in the country. It was alleged that if the public-houses were closed on Sundays, it would not diminish the amount of liquor drunk on that day, because

the people would provide themselves with drink on Saturday and consume it on the Sunday. The man's wife and daughters would then partake of it, and it was said that the whole family would be debauched by drink. His answer was, that he did not believe it, nor did the publicans themselves, and the proof was the strong opposition they waged against the Bill of his hon. Friend. It had been represented to him by some of the most intelligent representatives and leaders of the trade that the closing of the houses on Sunday would so seriously affect the receipts that many in the trade would be ruined, and others would be obliged to leave it. This could not of course be so, if the liquor were bought all the same on the Saturday; on the contrary, such an alteration in the practice of the consumers would add considerably to the net profits of the trader, for if he would do as much business in one day as he now did in two with the same establishment, it must be evident that there would be a clear and undoubted gain to his pocket. But the trade did not think so. They knew that there would be no additional purchasing of liquor on Saturday, and hence they resisted the proposal as one most seriously attacking their incomes. He agreed with the trade in this. He believed with them that the passing of a Bill in the spirit of the Resolution of his hon. Friend would most seriously diminish the amount of liquor consumed, and it was on that account chiefly that he supported the proposal. There could be no doubt that the preponderating opinion in Ireland was in favour of the Motion. It had been shown by Petitions, by the resolutions of Boards of Guardians, Town Councils, and every public body in Ireland, and he trusted that the division would show that the Representatives of the people in that House were equally favourable to the principle of the Resolution as the other representative bodies in Ireland. In the country parts of Ireland the closing could be most easily enforced, and would be an unmixed benefit; and although in Dublin and in the other large cities greater difficulty would be experienced in enforcing the law, and some evils might arise from it, yet he believed those difficulties were not insuperable, and he felt the greatest pleasure in

seconding the Resolution which had been so ably placed before the House by the hon. Member for Londonderry County.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is expedient that the Law which forbids the general sale of Intoxicating Liquors during a portion of Sunday in Ireland should be amended so as to apply to the whole of that day,"—(*Mr. Richard Smyth*,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR WALTER BARTTELOT thought that perhaps as an English Member who with great care had endeavoured, as far as he was able, to master this difficult subject with regard to the wishes and views of the Irish people, it was desirable he should state his opinion as to what hon. Members on that side of the House should do with regard to the question. He was bound to say that the hon. Member for Londonderry had stated his case clearly and decidedly, and brought forward cogent and urgent reasons on behalf of his Motion; but there were many considerations with regard to this question beyond what was desired by the hon. Member, and he for one, while most anxious to do everything for his fellow-countrymen in Ireland which they most desired, had to look beyond that consideration of the question. Whatever the views and wishes of those in Ireland might be, and whatever decision the House might come to, the circumstances of the case, so far as they had been stated by the hon. Member for Londonderry, should not be taken in any way as a precedent for what might be done on the same subject in England. The circumstances of the two countries were different. He desired to call the particular attention of hon. Gentlemen opposite to the fact that in this country they were not at all in the same position as they stated they were in Ireland, and therefore when any question of this kind arose with regard to England, he ventured to hope they would give to the question the same candid consideration which he should endeavour to do on the present occasion. Always up to the present time he had voted against the Bill brought forward in that House to carry

out the principle enunciated in the Motion they were now discussing; but last year he recollected that many statements were made in that House, though they came to no division, in favour of no restrictions being put on the liquor traffic. A strong speech was made on the subject by the junior Member for Limerick (*Mr. O'Shaughnessy*), and an equally strong speech was made by the hon. Member—the only Member now, he was truly sorry to say—for Cork City (*Mr. Murphy*). Well, he recollected weighing all these arguments, and they did not convince him that the great majority of the people were in favour of the Motion before the House; but he was bound to say now that it appeared to him there was a large majority of the Irish Representatives sitting on both sides of the House, and of every shade of politics, who were in favour of the Motion. He was not sure, however, that the hon. Gentleman opposite (*Mr. R. Smyth*) had advanced his case by making use of declamation against the publicans of this country; for whatever might be his opinion of that body, he (*Sir Walter Barttelot*) believed that they were as respectable and industrious as any other class of men in this great community. Therefore it was most unwise to introduce matter of that kind into this discussion. The friends of the Motion, also, though they had urged their case moderately, had been a little too zealous. It was wrong, very wrong, in his opinion, that any societies should come to that House, and urge hon. Members to vote in any particular direction. He never would be bound by anything of the sort, and he had always, as far as he had been able, cut short any interview of the sort. Hon. Members, in his opinion, should not allow any persons to interfere with them, but ought to give their votes to the best of their understanding and belief. Now, there was one thing he desired to know. What would the hon. Member do, if these public-houses were shut up entirely on Sundays to meet the requirements of those who wanted refreshment? Where there no single men in towns and villages in Ireland who would require some provision or refreshment on Sundays? Again, take, for instance, the great towns of Cork and Limerick. In the former city the people went out on Sundays in large crowds to Cove and other places,

and it would be hard to restrict them or rather to prohibit them from obtaining refreshment. He rose principally to say that, having carefully considered this matter, he thought, after the statement made by his right hon. Friend the Chief Secretary for Ireland last year, something ought to be done by the Government. The plan shadowed out last year was not absolutely in the right direction, because it dealt or rather proposed to deal with places in the country as distinct from or against large towns. That was hardly the way to deal with the question. Viewed from North to South, Ireland might be said to be almost entirely an agricultural country, and though no doubt there were some very large towns in Ireland, they were few and far between. As the matter must be dealt with, he thought it would be far better to restrict the hours of remaining open on Sundays to the smallest possible compass than to make any distinction between town and country. He hoped that the question would be dealt with in that manner, and that such a concession to popular feeling in Ireland would be acceptable to hon. Gentlemen on the opposite side of the House.

MR. O'REILLY said, that the evidence taken before the Select Committee which had considered the subject showed that the opponents of Sunday closing relied more on the difficulty of putting such a measure into operation than upon any objection founded on principle. He thought the hon. Baronet who had just spoken (Sir Walter Barttelot) had misunderstood the drift of the observations made by the hon. Member for Londonderry (Mr. R. Smyth) respecting the publicans of England. For his own part he (Mr. O'Reilly) desired to speak of that body with respect; and in saying what he did his hon. Friend did not mean to say anything disparaging of the publicans personally, but he spoke only the truth when he said that the publican interest was a power in this country, and had made itself practically felt not only at elections, but in that House. What he would rather say to the English publican interest was—"Be not so alarmed in this matter. Look on it fairly and justly, and it concerns not you. It is a question not of abstract principle, but one of practical utility, and it is in that view only you ought to look at it. It may be

that we in Ireland can adopt Sunday closing with advantage, whereas you cannot do so in England." He would therefore ask English Members to vote on this question as one affecting Ireland alone, and not as affecting any question concerning England that might arise in the future. The traffic in intoxicating liquors had always been subject to restrictions, and why, if the country wished it, should not those restrictions be increased in Ireland? Eight years ago, when he withdrew his Sunday Closing Bill, he did so on the promise of the then Chief Secretary for Ireland, that the hours of remaining open would be restricted, and that pledge had been honourably fulfilled by his successor in office. The hours in the country had been greatly shortened, and closing at 7 o'clock in the evening had given the greatest satisfaction. Undoubtedly opinion in Ireland was in favour of Sunday closing, and it was their duty to respect that opinion, especially as the proposed measure was one calculated to effect much good. There were, however, some practical difficulties in carrying out the measure which he should wish to see dealt with and overcome. It was stated that in the large towns, such as Dublin, Cork, and Belfast, a large number of the population would resent the total suppression of the liquor traffic on Sunday. The excursion difficulty was even more serious. There was no more legitimate demand than that of the excursionist, and some provision should be made to supply it. There were many places where excursionists swarmed on Sundays; and even if this law passed, under the *bond fide* traveller clause, the public-houses would be open all day and thronged with persons who were supposed to have travelled three miles, while at the same time they would be theoretically, though not practically, closed to residents in the neighbourhood. If they were closed altogether, a great hardship would be inflicted on the respectable tradesman who went on an excursion with his wife and children, carrying his dinner with him, and who would naturally want to get a glass of beer. He would rather see limited hours for opening established in such exceptional cases; for afterwards the public-houses would be closed during the remainder of the day against the pretended *bond fide* travellers who so frequently resorted to them.

Sir Walter Barttelot

There was a third difficulty, and that was with regard to certain small towns in Ireland where fleets of fishing boats arrived during the summer, and produced an enormous fluctuating seafaring population. No doubt these people did require some accommodation on the Sunday, and he believed that, looking at the matter practically, they were a class who would resent more strongly and vehemently than any other the closing of public-houses against them on Sundays. The difficulty might be met by treating these places exceptionally in the same way as the large towns and the places where there was a large excursion traffic. These were the only three difficulties of any importance. The remedy he suggested was not to attempt to schedule by an elaborate series of clauses the regulations which would meet such exceptional cases, but to leave to the local authorities of the district a discretionary power, subject to whatever control might be deemed desirable. In this way the will of the people of Ireland would be given effect to without any fear of that which he should very much regret, a re-action against a law too rigid at the commencement, which might imperil the continued existence of the repressive legislation which they asked for. It was desirable that this power of meeting exceptional difficulties should admit of elasticity in the regulations. If necessary, public-houses might be opened for an hour in the middle of the day in particular cases, or for a couple of hours in the evening. That would have the effect of checking drunkenness, which was the result of continued drinking. People went to public-houses not intending to remain, and ended by stopping there as long as possible. It was a question whether it was better for this House to frame the exact terms of the rules in special cases, or leave that duty to the local authorities. He preferred to leave it to the local authorities. In the Bill of the late Government, some discretion was left to the local authorities as to the hours of opening and closing. The present Government came in, and the Home Secretary stated that he was entirely against this discretionary power, and that he would rather have one universal set of hours laid down by Parliament, and, with that view, he fixed one hour for closing in populous

and another for closing in non-populous places, leaving it to the local authorities to decide which were populous and which were non-populous places. Having carefully considered the question he (Mr. O'Reilly) thought there need be no great practical difficulty in the way of meeting the exceptional cases which might arise. He, therefore, had no hesitation in supporting the Resolution.

MR. GREENE said, he agreed in the opinions expressed by the hon. Baronet the Member for West Sussex (Sir Walter Barttelot), and could not see his way to support the Resolution in its present form. The arguments used by the supporters of the Motion was, that there was a larger amount of drunkenness in Ireland on Sundays than on any other day. If they were to close all public-houses on Sunday on that ground, on the same principle they might be asked to pass a law to prevent public-houses from being open on Mondays, which day was in many parts of the country kept almost as a holiday, and there was probably more drunkenness on that day than any other of the working days. He should, therefore, oppose the Motion. They had in that House legislated for the purpose of restricting the hours which licensed houses should be kept open, both on Sundays and other days, and without at all wishing to adopt the principle of the Permissive Bill, which would always have his most determined opposition, he should be glad if Her Majesty's Government could see their way to restricting the hours still further on Sunday, in order, as far as possible, to prevent the evils which were complained of. At the same time, he could not help thinking, that if they entirely closed public-houses on Sundays they would bring about a reaction which would be a worse evil than any that at present existed. He did not think they were prepared for so strong a measure as that proposed, but concurred with the hon. Baronet that they should do all that they could to assist their fellow-countrymen in Ireland to carry any legislation which they believed to be for the best interests of that country.

MR. MURPHY said, the question before the House, as propounded by the supporters of the Motion, was, that there was such an enormous excess of intemperance in Ireland as to call for legislative interference. That seemed to be

taken for granted by the supporters of the proposition, but he had not yet heard any proof in substantiation of that position. General declarations had been made, and the opinions of some Judges and others in authority had been cited; and although these were highly respectable members of society in their professional walks of life, yet they were not a whit better authorities than any other persons who thought and spoke and had their being in Ireland whose assertions were unsupported by facts. It was taken for granted that not alone was there a great amount of intemperance in Ireland on Sundays, but that it was such as called for the special legislative interposition of that House. He had not heard any statistical statement or any proof whatever that the amount of intemperance, if there were such general intemperance at all, was such as to call for that special interposition. Only a very general statement had been made that there was such intemperance, but those who made that charge were bound to lay some proof before the House. Then, again, it was taken for granted that the closing of public-houses on Sundays would have the effect, the ultimate effect, of stopping that intemperance, assuming it to exist, and of doing away with it altogether. [Mr. R. SMYTH: No, no!] Well, at least of so decreasing it, that it would be a great benefit to the country. It was perfectly useless for hon. Gentlemen to get up and apply arguments founded on the general declarations of other people unless they stated as fully as possible the case which they wished to make out. There were three things which, in his judgment, it rested with the promoters of this proposition to prove — first, that intemperance, as a rule, existed; secondly, that the closing of public-houses on Sundays would repress or ultimately extinguish such intemperance; and lastly, that the mass of the people for whose use and convenience those houses existed called for their compulsory closing, and as they had not yet proved any one of them, perhaps he might take the liberty of making out his case in a contrary direction—not by quoting the opinions of gentlemen who were no doubt able, good, pious, and learned, but by referring to facts and to evidence which was recorded through the instrumentality of a Select Committee appointed to inquire into the subject.

Mr. Murphy

He had a right to ask the House to judge that evidence impartially, and not upon the *quasi*-sentimental feeling with which it appeared to him the Motion was brought forward. In the first place, to apply himself to facts, he would take his own locality, which would be about as good an instance as he could bring before the House without boring them with detailed statistics. The city of Cork was comprised of a population of nearly 80,000 inhabitants, and he had procured a return from the authorities there showing the number of charges of drunkenness which were brought before the magistrates for the years 1873, 1874, and 1875, and also a return of the number of persons charged with being drunk on Sundays. He admitted that if it could be shown that the number of cases arising from drunkenness on Sundays was larger than on any other day of the week, there might be some ground for the Motion to close public-houses on Sundays; but, on the other hand, if it was shown that the number of persons charged with being drunk on that day—not merely committals—were infinitely less than any other day in the entire week, he thought a good case would be made out against the Resolution, which was based on the assumption that there was a great excess of drunkenness on Sundays. The return he had obtained from the clerk of petty sessions in Cork showed that the total number of persons charged with being drunk in that city during the year 1873 was 2,680, in 1874 it was 2,531, and in 1875 it was 3,026. The number charged with being drunk on Sundays was, for 1873, 242—a proportion of a little over 4 persons for each Sunday in the year; in 1874 the number was 204, and in 1875 it was 261. The average daily number charged with drunkenness for the three years was 7 2-3, and for Sundays only 4 1-3. That being the fact of the case, he failed to see on what ground the argument of his hon. Friend was based. The facts proved the exact reverse of the arguments which had been used in support of the proposition. He had taken out the average daily number of persons charged with being drunk on Saturdays, and compared it with the number charged with being drunk on Sundays, and he found the average for Saturdays was 12 1-4, and for Sundays it was only 4 1-3. He merely adduced these facts as a guide to hon. Gentlemen who might

take part in this discussion. There was another very striking return which he had procured, showing the total number of committals to Cork City Gaol for drunkenness for the years 1872, 1873, 1874, and 1875, distinguishing the men from the women. The total number of individuals committed gave a yearly average for the four years of 418. The total number was for men 1,674, giving a yearly average of 418; and the number of committals for women was 1,125, giving a yearly average of 281, or little more than one-half of the number of men. But when they looked at the total number of committals as distinguished from the total number of individuals committed the case was absolutely reversed; for in those same years the committals of men were 2,304, as against the committals of individuals 1,674, and the yearly average was 576. But with regard to the women, although there were 1,125 women committed to gaol in those four years, yet the number of committals was 2,814; showing a yearly average in the case of women of 703 and in the case of men of 576. It was not easy to account for that. But, be that as it might, he thought the figures he had given proved that in a city of 80,000 inhabitants, with a migratory population—for there was no season of the year when people were not entering and leaving the port—and being a garrison town, the number of persons charged with drunkenness was comparatively small, and it was smaller on Sundays than on any other day in the week. He submitted, therefore, that, so far as that part of the case was concerned, the supporters of Sunday closing had no case. Now, he thought it rested with the hon. Gentleman the Mover of the Resolution to show that public opinion in Ireland was in favour of the measure. No doubt a great many Petitions had been presented from Poor Law Guardians, magistrates, and other quarters; but what was the history of those Petitions? This was not a new question at all. Did the House hear now for the first time of the machinery of the Irish Sunday Closing Association, which, he ventured to say, was nothing more or less than an offshoot of the United Kingdom Alliance in this country? When the measure of the hon. Member for Longford (Mr. O'Reilly) was brought forward in 1868, he (Mr. Murphy) took the liberty of moving

that it be referred to a Select Committee, and although the hon. Member opposed that, it was supported by the sense of the House, and a Select Committee was granted. Evidence was taken, and he would presently refer to the evidence given by the Chief Commissioner of Police in Dublin on the question of Sunday closing. In the same year Mr. Abel Smith brought in his Sunday Closing Bill for England, and that also was referred to a Select Committee. After very copious evidence had been taken a Report was issued, a portion of which was so perfectly germane to the question of what was called "public opinion" in the present day, but which he called the counterfeit presentment of the reality, that he would read an extract from that Report. The so-called public opinion was produced by the organized system adopted by the Irish Sunday Closing Association, which had excellent machinery and funds, and there was not a town or district into which their agents did not extend. They had a stereotyped form of Petition which they sent down to every Poor Law Board, and were perfectly zealous in their vocation of getting signatures to the Petitions so distributed. He did not say that they had not a right to do that if they chose; but he must say that this emanation of paper opinion did not carry that significance which this House might suppose. These Petitions did not represent the spontaneous emanation of opinion of the country out of which they arose. Petitions to be of weight should arise spontaneously in the districts from which they came, and should not be sent down from an organized centre ready prepared for signature. The same system was adopted in 1866, when the question of Sunday closing in England was discussed, and the evidence given before the Select Committee in 1868, which was equally applicable in the present instance, showed how "public opinion" was at that time got up. Having taken the evidence of witnesses as to the state of public opinion, the Select Committee issued a special Report, in which they spoke of the returns of many canvasses made in large towns with a view to ascertain the sentiments of the inhabitants upon this question, and added—

"Your Committee would observe that great caution must be exercised in affixing a value to

the results of any such canvass. Although no imputations of dishonesty rest upon the canvassers, it has been proved to your Committee that in many instances the canvass has been of a partial nature, and does not adequately convey the real sense of the community whose opinions it professes to represent. Moreover, it is evident that a canvass conducted by persons whose object is to obtain a particular expression of opinion is not of a character to command such implicit confidence as one conducted by more impartial persons."

He thought that the expression of opinion as embodied in that Report was very applicable, and it was evidence procured on the very nature of the proposal now before the House. He protested, however, against its being taken to be the opinion of Ireland—those artificial signatures procured by canvassing, and against the result of a house-to-house visitation being taken to be the spontaneous opinion of the land which that House ought to pay attention to. He utterly denied that the compulsory closing of public-houses on Sunday would cause the cessation of intemperance where it might happen to exist, and asserted that such a measure would be an uncalled for attack on the comforts and habits of the community, and on this point he would further quote from the Report of the Select Committee—

"For however beneficial may be the results of restriction within certain limits, its enforcement to such an extent as to cause any violent interference with the habits of the people has a tendency to create a discontent which is sure to be followed by evasion; the law is brought into disrepute, and effects are not infrequently produced the very reverse of those intended."

Evidence upon that subject was given, and he thought any person impartially reading it would agree that the preponderating weight of evidence showed that the proposed limitation, so far from abating the evil, would rather intensify it. There could be no doubt upon that evidence that illicit and surreptitious drinking would go on. Was it not notorious that a comparatively small minority of the population only were intemperate? If they closed every public-house in the land, those were the class of persons who still would get drink, and those were the very persons whose conduct had met with such just reprobation. He did not believe that the warmest advocate of that measure would make such a charge as that Ireland, as a whole, was intemperate.

Mr. Murphy

God forbid! He should blush for his country if he thought that of even the most enthusiastic supporter of the Bill. He believed that those who advocated that measure did so with all sincerity. But he should blush for his country if for one moment those persons would say that the whole of Ireland was intemperate. Yet let him ask if they did not do that, what justification had they for coming to the House at all? Must they not prove general intemperance was the rule, and not the exception, of the land, before they could ask the House to close all public-houses on Sundays, and thus interfere with the use, comfort, and convenience of the masses. There was another paragraph in that same Report, which he thought applicable, and he hoped the House would pardon him while he read it—

"Your Committee would further observe that the proposed restrictions do not afford any hope of the settlement of the question upon a permanent basis. Most of the advocates of the measure openly avow that they would accept it only as an instalment, and many of them dare to put a stop to the whole retail trade in excisable liquors. In that trade a very large amount of capital is embarked, and so long as the licensed victuallers and keepers of beer-shops stand in the position of men carrying on a recognized and legitimate trade, and one, moreover, subjected to heavy taxation, it would be unjust that their operations should be embarrassed, and their property depreciated in value by constant attempts to impose upon them restrictions which do not appear to be demanded by any urgent public necessity."

The custom in Scotland had been much spoken of, but every one knew that in Scotland the question was much more of a Sabbatarian one as applied to that country, and that it did not arise so much from the idea of wishing to repress intemperance, as to preserve the sanctity of the Sabbath. The same Committee, in its Report, went on to say—

"The beneficial working of the Public-house (Scotland) Acts 1854-62 . . . does not establish any proof that a law similar, or approaching it in strictness, would be either acceptable or expedient in England. For even those witnesses who spoke to the success of the Scotch law admitted that there was so remarkable a difference in the habits of the English and those of the Scotch people in their use of public-houses, that your Committee are of opinion that no trustworthy inference could be drawn from the fact of that success."

There were many other reasons which he could give the House, only he did

not desire to weary them upon the subject. He thought he had shown them them, at all events so far as regarded Sundays, there was not that amount of intemperance and drunkenness which called for the interference of that House. The Act of 1872 was taken as the final settlement of the licensing question, and the proposals of the Bill of that year were not only the result of the Committee of 1868 upon the English Bill, but of the Committee of 1868 upon the Irish Bill also. He was a Member of that Irish Committee, as also was his hon. Friend the Member for Longford County. The Committee was equally composed of the advocates and opponents of Sunday closing. That Committee came to an unanimous opinion against Sunday closing, and recommended the hours of closing which had since been embodied in the Act of 1872. That a very beneficial change had been the result of that measure he candidly confessed, and if his hon. Friend the Member for Londonderry had brought forward a measure to consider the advisability of making further restrictions in the hours, he should not have felt constrained to vote against the Motion. Therefore, so far as the Resolution was concerned asking the House to affirm the proposition that it was expedient that the total closing of public-houses in Ireland should take place, he did not think the House had any evidence before it to justify that following. He thought also it would be a very crying evil to the trade who had embarked their capital in it to sweep away one-seventh of their earnings. He protested against the Resolution, because it was not in his opinion called for by the class for whom the public-houses should be kept open. If the House passed the Resolution it would be introducing class legislation, and class legislation of the worst character.

SIR MICHAEL HICKS-BEACH said, that the House was called upon by the Resolution of the hon. Member for Derry (Mr. R. Smyth) to deal with a very difficult question and one which affected the social habits of the people without having any very large amount of knowledge as to what were the wishes on the subject of those who would be most affected by the proposed legislation. Under these circumstances, the least they could do before they committed themselves to the

Motion of the hon. Member was to satisfy themselves that it was sound in principle, that it would be universally, or nearly so, acceptable to the people of Ireland, and that it would be likely to result in the good which the hon. Member hoped would flow from it. The subject had been on many previous occasions before the House, and very different opinions with regard to it had been expressed by those who had good opportunities of ascertaining the probable effect of the legislation asked for. Hon. Members had heard the Motion ably recommended by the hon. Member for Derry, and they had heard it seconded in much more guarded tones by the hon. Member for Roscommon (the O'Connor Don). From the hon. Member for Longford (Mr. O'Reilly), although he spoke in its support, they had heard proposals for considerable alterations in the terms of the original Motion; while the hon. Member for Cork (Mr. Murphy), who represented one of those large constituencies in which the application of total Sunday closing would be peculiarly difficult, had laid another view of the question before the House. He might say, at any rate, that so far as the Irish Representatives had spoken in that debate, they had expressed very varying opinions; and he found the same differences when he referred to such expressions of opinion as had been obtained from the people of Ireland. A memorial had been presented to the Prime Minister, to which the hon. Member for Derry attached much importance. It was, no doubt, signed by gentlemen who took great interest in the subject, and who did so from philanthropic motives of the best kind, with the sincere belief that their proposal would effect what they desired; but, at the same time, few of those who had signed that memorial would be personally affected by the legislation which they asked for. That memorial for the total Sunday closing of public-houses in Ireland was signed by 7,000 or 8,000 of the clergy, magistrates, landowners, physicians, Poor Law Guardians, town councillors, and employers of labour—the representatives, no doubt, of the opinion of a very large number of that class of persons. But when they remembered that very few, if any of those gentlemen would be affected in their personal and social life by the

legislation in question, they ought not, he thought, to attach so much importance to that memorial as to make it virtually decisive of the question at issue. Let them ask what was the opinion of the class in Ireland who would be really affected by this proposal. The hon. Member for Derry had quoted to the House some figures which purported to show the result of a house-to-house canvass in certain large towns in Ireland, with the view of proving that a large preponderance of the population in those towns were in favour of the total closing of public-houses in Ireland on Sundays. But on analyzing those figures he (Sir Michael Hicks-Beach) found that they did not represent the views, even of the majority of householders, to say nothing of the rest of the population. Take, for example, the City of Dublin. He found that the total number of householders who had been canvassed in Dublin was put down in round numbers at 28,000, but he found in the official Returns of the Census of 1871, which were open to any Member of the House, that there were no fewer than 62,000 families within that city, and that, therefore, whatever might have been the opinion of the majority of those 28,000 householders, there must be another 25,000 or 30,000 whose opinions had not been ascertained. He found, taking the City of Cork, that the total number of householders voting was 16,000, but from the Census Returns it appeared that there were more than 20,000 separate families. He found that in Limerick 5,900 voted, and the Census Returns showed 14,000 families, whereas in Waterford there were 3,600 voters upon the subject, but it contained 6,200 families. [Major O'GORMAN: Hear, hear!] He expected that the hon. and gallant Member (Major O'Gorman) represented the feeling of a considerable portion of his constituents. At any rate, before they could decide that the result of that canvass could be relied upon by the House they were bound to consider how many thousands of families in the cities comprised in it had not been consulted at all in reference to it. They had also been told that the public-houses were much used by young persons, in the proportion of 19 out of 20. He did not know upon what statistics that assertion was based, but he had been unable to discover anything of the kind. No doubt

the population of these cities was 10 or 15 times in excess of the number of householders who had petitioned in favour of Sunday closing, and he dared say that some of the young of both sexes did to some extent use these public-houses; but there could be no doubt that the great majority of the persons who frequented the public-houses were labouring men on their Sunday holiday—men who, perhaps, were lodgers and not householders—men who were thoroughly ignorant of the proposed legislation, and whose real opinion could never be ascertained until this proposal, if it were to become law, was in actual operation. The hon. Member for Derry had also referred to statistics which had been collected by the Dublin Metropolitan Police and the Constabulary on this subject by the direction of the Government. He (Sir Michael Hicks-Beach) would have laid these statistics on the Table before now, if he had intended to rely on them in speaking on the question; but the fact they proved was not in any way disputed. What the Government desired to obtain when they ordered those statistics to be collected was merely a rough calculation of the great numbers of the population who used public-houses once or more times during the course of the Sunday. He could quote figures to show that in Dublin and these other cities thousands visited public-houses on Sundays; but these figures only proved what was admitted by the hon. Member for Derry, that these houses were used by a very large proportion of the population on Sundays for the purpose of moderate, and sometimes of immoderate, drinking. But since the subject was discussed last year in the House there had been another expression of opinion which ought not to be without weight. The hon. Member had referred, in terms of depreciation, to a deputation of trades which had waited upon the hon. Baronet the Member for the City of Dublin (Sir Arthur Guinness). From all he (Sir Michael Hicks-Beach), however, had heard, he was compelled to believe that the deputation which waited upon his hon. Friend on that occasion represented a very large amount of opinion among the working classes of Dublin, as well as of other large towns. If he wanted proof of that, he would refer the House

Sir Michael Hicks-Beach

to the undoubted fact that in dealing with this question the hon. Member for Derry had not, with the exception of those northern cities of Belfast and Derry, which must be regarded in this matter as rather Scotch than Irish, received the support of the hon. Members for the large towns in Ireland. Now they were told that Irish opinion was unanimous on this question; but he had endeavoured to show the House what grounds there appeared to be for doubting that unanimity, and he would go further, and dispute the argument which was based upon it—namely, that if Irish opinion was unanimous, they were bound to give effect to that opinion. When he spoke on this subject last Session he was somewhat misunderstood, owing doubtless to his own fault. Certainly, he never meant to convey to the House that he was then prepared to accept the principle of total Sunday closing in town or in country. What he suggested on that occasion was, that if they were to alter the present law on this subject they should proceed tentatively. They should proceed first of all by restriction in the present hours of closing, and if that restriction proved successful, the hon. Member for Derry, and those who thought with him, might then come again to the House, and press their views as to the total closing of public-houses on Sundays further upon its consideration. But he drew a broad distinction in principle between the two proposals. Restriction of hours was one thing; the total closing of public-houses on Sunday or on any other day of the week was another. Whether in town or country, the total closing of public-houses on Sundays would mean that for the sake of preventing drunkenness in the comparative few who were disposed to that vice, you were prepared to interfere with the moderate enjoyment of the many. If that were really a question of principle we ought not to agree to it merely because Irish opinion desired it. The argument that Ireland ought to be allowed to decide this question for herself might well be acceptable to those who supported Home Rule, but he could not understand how such an argument would commend itself to right hon. Gentlemen who sat on the front bench opposite, because in the last year of office of the Government of which they were Members they prevailed on the House

to reject this identical proposal when it was supported by the votes of four to one in number of the Irish Representatives who voted on that occasion. Nor, from another point of view, could he understand how this proposition could receive the support of Members of the Home Rule Party. Remembering the debates last Session on a measure which only coerced the few for the benefit of the many, he was surprised to find those hon. Members supporting a measure to coerce the many for the benefit of the few. This House had never given to any local assembly the right to decide whether public-houses should be totally closed; but if the House adopted this proposal because the Irish Members supported it, there was no reason why, on the same grounds, we should not be called upon to enact next Session that there should be Sunday closing of public-houses in Wales, or in an English county, or possibly in an English borough. ["Hear, hear!"] Well, that logically carried with it the principle of the Permissive Bill. That had, at all events, been admitted by one of the chief supporters of the present proposal. At a meeting held in Dublin, the hon. Member for Louth was reported to have said that "the day on which Sunday closing passed for Ireland would see the Permissive Bill for England more than half carried." In dealing with this question he had always endeavoured to argue it solely with reference to Ireland, but this had not, at any rate during the last twelve months, been the policy adopted by its advocates. An agitation had been commenced in the English constituencies on its behalf. The advocates of this kind of legislation for England saw plainly that if the measure proposed by the hon. Member's Resolution were enacted for Ireland it would be the strongest possible argument in favour of a similar measure for England. They were openly told by the hon. Member for Derry that the law ought to be the same on this question in the two countries. Irish Members urged the example of Scotland in favour of a Sunday closing Bill for Ireland; but they forgot the difference between the views of Irishmen and Scotchmen with regard to the rigid observance of the Sunday. The hon. Member for Derry argued that it would be no hardship to Irishmen if public-houses were

closed on Sundays, because the working man would get his whiskey on the Saturday night and drink it in the company of his family on the Sunday. But would not a far greater amount of demoralization be thus brought about than if he took a social glass with his friend in the public-house on Sundays? Again, it was pretty generally admitted, even by the advocates of compulsory legislation, that in endeavouring to put down drunkenness you must look mainly to moral suasion. Which country was the more favoured in this respect? In England there was no class who had such an influence with the people as the Roman Catholic clergy had in Ireland; and, to their honour be it said, the Roman Catholic clergy had always been foremost in attempting to put down over-indulgence in intoxicating liquors. The House had been told that 864 Roman Catholic priests had signed Petitions in favour of the Motion. But this was comparatively a small proportion of all the Irish Roman Catholic clergy; and rather tended to prove that most of them did not believe in the efficacy of the legislation which the hon. Member proposed. Thrown into more intimate connection with the people than any other class, they knew this law would be evaded and would not have the effect attributed to it; and therefore, though more numerous than any class of ministers in Ireland, only 864 favoured this legislation. The question could not be considered as solely an Irish question. He (Sir Michael Hicks-Beach) had observed that the agitation in Ireland upon it was so much akin to that got up in England for the same purpose, that in some, at any rate, of the English Petitions that had been presented to the House in favour of it, the language, the handwriting, and the signatures, were identical with those in Petitions for the same object in England. He had received such Petitions in favour of the Sunday Closing Bill in Ireland, and seen the identity of handwriting to those for the same object in England; and the class who got up those petitions were one and the same. In a printed paper which had been circulated among hon. Members the same arguments were used in behalf of similar legislation in both countries, and the results were given of recent inquiries in several English boroughs, showing a total of 479,766 householders in favour of entire closing on

Sundays, while the opponents only numbered 63,847. The proportion of householders in favour of Sunday closing was alleged to be much the same in England and in Ireland. From this statement English Members would be able to judge how much importance to attach to the public feeling alleged to exist in favour of Sunday closing among the householders in Irish towns. For was it not certain, that in spite of the 479,766 English householders who were stated to be in favour of total Sunday closing in England, such legislation for England would be at once scouted by the House, as opposed to the feelings of the vast majority of the English people. He was opposed to total closing on Sunday, because he thought it was clear that you would thereby cause immense inconvenience to a large majority of those who used the public-houses with moderation on Sundays. The Returns showed that on a particular Sunday 122,000 persons entered public-houses within the municipal limits of Dublin. An immense proportion of those persons visited the public-houses for moderate and necessary refreshment. That was clear from the fact that during the whole of 1875 only 1,410 persons were arrested by the police in Dublin between the hours of 2 and 9 o'clock on Sundays, as drunk and disorderly. He did not assert that the 122,000 visits paid to the Dublin public-houses on a single Sunday were paid by separate persons. No doubt, a large deduction must be made for repeated visits. Still, whatever deduction must be made on that score, many thousands did frequent the public-houses on Sundays, while a very small proportion caused themselves or anybody else any harm by so doing. It had been said by the hon. Member for Roscommon (the O'Connor Don) that the law made an exception in favour of public-houses by allowing them to be open on Sundays, while other places of business were closed. The fact was, however, that the closing of other houses of business was not due merely to the law. People did not wish to transact business of an ordinary kind on Sundays, and therefore such places were closed; while public-houses were open in order to meet the convenience of the public. This proposal was supported as likely to put down drunkenness. He had already shown how large a proportion of

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those who used public-houses on Sundays could not be considered as drunkards; but did the House suppose that drunkenness would be stopped if the public-houses were closed on Sundays? What had happened in Scotland? Fewer persons were arrested by the police on Sundays in Scotland than in England, or probably in Ireland. But Returns before the House showed that the consumption of liquor in Scotland was in no way diminished by Sunday closing. In Scotland the consumption of spirits per head of the population was nearly twice what it was in Ireland, and was increasing more rapidly. Take, again, the dioceses in Ireland in which the Prelates and clergy had established voluntary Sunday closing. It did not necessarily follow that, because voluntary closing was successful in Ireland, a compulsory law would be successful also; for persons who willingly obeyed their clergy, and were proud of their self-denial, might fight against coercive legislation, which might be represented to them as imposed, if not by a Saxon Parliament, perhaps at the instance of a section of their countrymen who were not in sympathy with themselves. The hon. Gentleman the Member for Derry had referred to the Charges which had been delivered by the Irish Judges, but he (Sir Michael Hicks-Beach) found that they had felt themselves obliged to make as strong remarks with respect to the increase of drunkenness in those places in which voluntary Sunday closing was now carried out as in any other parts of Ireland. An additional proof was, he thought, thus afforded that if the public-houses were to be universally closed on Sundays, drunkenness would not be abolished, but that, while a certain number of persons would be inconvenienced, those who desired to obtain drink would procure it under infinitely worse conditions than those under which it was now supplied to them. He was afraid that, instead of stopping drunkenness by Sunday closing, people would get drunk in places which were not under the ordinary supervision of the law, and that thus the evil would be greatly aggravated by the attempts which were made to mitigate it. In conclusion, he had endeavoured to show why the House ought, in his opinion, to doubt the statement which had been made as to the unanimous feeling of the Irish

people in respect to this proposal. He had pointed out the objections which he entertained on principle to it, and the reasons why he thought that even if it were to become law, it would not be followed by the results which were predicted by its supporters. He had, however, at the same time, listened with great interest to some of the suggestions which had been made in the course of the debate. The hon. Member for Cork (Mr. Murphy) referred to certain proceedings which had occurred in that House 1869, and to the fact that in 1871 the Legislature had adopted the recommendations of the Committee of 1869 that public-houses in Ireland might be open in the country from 2 to 7, and in towns with a population of over 5,000 from 2 to 9. Now, he had made a careful inquiry into the working of that law, and he found that the limitation of the hours previously in force had been beneficial to all concerned. He had endeavoured to ascertain, also, how far it might be possible still further to restrict them with benefit to the community and without inconvenience to those whose interests the House was, he thought, bound to take into account. The result was, that if the present Motion were withdrawn, he should be prepared in the present Session to recommend to the House that the hours of the Sunday opening of public-houses in Ireland should be still further limited in the case of the country from 2 to 5, and in the towns from 2 to 7; and he would venture to suggest that the hon. Gentleman would, by accepting that offer on the part of the Government, do more to forward the views of which he was the advocate than by pressing to a division an abstract Motion, which even if successful, could lead to no practical result, at any rate for some time to come.

MR. LAW: After the statement which has just been made by the right hon. Baronet the Chief Secretary, I should like to say something on this subject. Last year he led us to suppose that if sufficient evidence could be given that a great majority of the Irish people concurred in the desire that the public-houses should be altogether closed on Sundays the Government would take measures to close them, at all events in the country districts, even if they should keep them open in the towns. Now it

appears that the proposal so made last Session has been abandoned, and the idea seems to have suggested itself to the right hon. Baronet that it would be a convenient settlement of the question to impose the restrictions he has just mentioned; making the hours during which public-houses may be open on Sundays from 2 o'clock until 5 in the country districts, and from 2 o'clock to 7 in the towns. Now, Sir, it appears to me that there are grave objections to our thus dealing with this question. I will not say that it would prolong an agitation which is not desirable; but it would cause a great deal of inconvenience, and perhaps some disturbance of the capital invested in this business, without really and finally settling the question. I therefore fear, Sir, that the offer which has just been made is not one that can be accepted by those who are in favour of this Motion. With respect to part of the argument just addressed to us, I would observe that the right hon. Baronet seems to have been mistaken as to the nature of the house-to-house canvass, the result of which he has described to us. He seems to think that in Dublin, for example, none were asked their opinions except the 28,000 people who gave answers. Why, Sir, as I understand the statements made, voting papers were left at all the houses in Dublin, and not merely at all the houses in the ordinary sense of the word, but at all the apartments occupied by separate families. To suggest to the House, therefore, that only some 28,000 out of 60,000 families in Dublin were asked their opinions would be misleading. So far as those who undertook this inquiry could do, they had a paper left to be filled up by the head of every family in Dublin. The balance simply consists of those who did not take the trouble of answering the question one way or the other, and the same observation may be made as to the other large towns. All were asked, and all the answers obtained are given. It is not too much, then, to say that those who did not choose to answer the question may be left out of the account; and when out of some 28,000 answers, we find 25,000 one way and only 3,000 the other, it is not unreasonable to regard this response as fairly representing the view of the whole community. But there were other matters in the speech of the right hon. Baronet,

which were still more surprising. First, as to his statistics. The right hon. Gentleman, indeed, does not regard the statistics which he has procured through the police as very reliable—if he had thought so he would have laid them before the House—but he tells us that in Dublin alone the police found 122,000 people going into public-houses on one Sunday. He says—"Of course that does not represent the number of people, but only the number of visits paid by them." Now those who are acquainted with Irish life in the towns know that by far the greater part of Sunday drinking is carried on by wandering people who stroll from one public-house to another, drinking, probably, in all, not observe for refreshment, but either from want of something else to do or to gratify a vicious appetite, until at last, perhaps, they are taken in charge by the police. But the right hon. Baronet, it appears, has got other Returns which satisfy him that there is little excess after all in Irish Sunday drinking. He tells us that in the whole of the year 1875 there were only 1,410 people taken up in Dublin on Sundays for drunkenness. But between what hours? Between the hours of 2 o'clock and 9 o'clock. Why, these are the very hours when, of course, drunken people would not be taken up. If he had procured a Return of the numbers arrested after 9 o'clock, when the people are turned out of the public-houses, he would have given us some reliable information. Arrests of course are made after the public-houses are closed, and when their occupants thus lose the shelter which conceals them from the police; but in fixing on these hours for their Return the police stopped just where the drinking stopped.

SIR MICHAEL HICKS - BEACH: The hours for which the Returns were taken were between 2 o'clock and 12 o'clock, not between 2 and 9.

MR. LAW: Well, of course, that somewhat alters the case; but I certainly understood the right hon. Baronet to say the time covered by the Return was between 2 and 9. What, however, do we find even taking the hours as from 2 to 12—that is less than half of the 24 hours? Now Dublin has a population of 267,000. Let us compare it in this respect with Glasgow, where Sunday closing is in operation, and which has a population of 477,000, being very nearly

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double the population of Dublin. Well, Sir, the total number arrested for drunkenness in Glasgow within the whole 24 hours, from 8 o'clock on Sunday morning to 8 o'clock on Monday morning, amounted to 415 only; or less than one-third of the number arrested in Dublin. That is to say, the arrests for drunkenness in Dublin, with half the population, and returned for only half the day, are three times as many as in Glasgow; or, in other words, the Sunday drunkenness in Dublin is 12 times as great as that of Glasgow. If this satisfies the right hon. Baronet, I can only say he is very easily satisfied. To me, Sir, I own it appears that, so far as these figures of the Chief Secretary go, they tend to prove the contrary of what the right hon. Baronet attempted to establish. It is said, however, that by closing the public-houses you would induce a much worse kind of drinking; but that, I confess, is an argument of which I cannot see the force. If you have less attractions, less temptation, and less convenience for drinking, if people have to seek for drink with the police watching and ready to arrest them, I do not understand on what principle it can be supposed that more liquor will be consumed or worse results ensue. Nor do I see how it is, if the police can now easily watch and count 122,000 visits to the public-houses in Dublin on a single Sunday that they will be unable to watch the unlicensed and less attractive houses to which it is alleged the people would resort for drink if Sunday closing were carried out. But, Sir, the answer to all this is, that the thing has been done for many years in Scotland, and that without being followed by any such evil consequences. What, I would ask, is there of difference between these two parts of the United Kingdom which makes a measure of Sunday closing applicable to Scotland and not to Ireland? What difference is there between Dublin and Glasgow, where you have a large population of working people, and where we find Sunday closing has been carried out easily and with the best results? Hon. Gentlemen know very well that there is in Glasgow a very large Irish population; and therefore the argument of the Chief Secretary founded on the difference of race—that this is a matter of race or of religion, is wholly untenable. Of course, you can always get

differences when you want to find them. It was the year 1853, for example, when the Forbes-Mackenzie Act was passed, and it is the year 1876 that this Resolution is brought forward; and so forth. You can always find differences. But is there any difference on which, as politicians, we can rely to show that what was possible in Glasgow is impossible in Dublin. No, Sir, none such has been found to exist, nor do I believe any such will be shown during the rest of this debate; and the establishment of Sunday closing in Scotland for the last quarter of a century supplies an argument, which, under present circumstances, is, I submit, irresistible in favour of the like system for Ireland. Now, Sir, coming to the general question, I own I have always been surprised that those in favour of this and similar Motions did not rest their case chiefly on the ground taken to-night by my hon. Friend the Member for Roscommon (the O'Connor Don)—namely, that there is no reason why the publican should have any special exemption from the law which forbids all other traders to carry on their business on Sunday. This exemption, too, would seem to be comparatively modern. For a long period prior to 1833 it was illegal in Ireland to sell spirituous liquors on Sunday. The right hon. Baronet, indeed, on the last occasion of discussing this question, seemed to be under the impression that a Sunday Closing Act was passed in 1808, but that because it did not work well it was repealed in 1815. That was a misapprehension. The Customs Act of 1808, which was in this respect substantially the same as several of its predecessors, was no doubt repealed in 1815; but then, the provisions forbidding the selling of spirits on Sunday were re-enacted in the new Customs Act of that year. At this time, indeed, it seems to have been the law throughout the United Kingdom, as it certainly was in Scotland and Ireland, that no spirits should be sold on Sunday. However, for some reason or other, which I have been unable to discover, the Legislature thought fit to make a change about the year 1828. Acts were then passed for England and Scotland which, as far as the latter at all events is concerned, for the first time gave publicans the power to sell drink for a certain number of hours on Sunday. This was effected in

a way that did not attract notice at the time; and when the Act produced its natural consequences, the Scotch people thought there must be some mistake, and in the year 1832 they questioned the propriety of such a construction of its terms by submitting a case for the decision of the High Court of Justice. Well, Sir, they found that by reason of the form in which the measure had been drawn up, it was necessarily implied that public-houses might be opened for certain hours on Sunday, and what then followed? Why, remonstrance and some agitation, and at the end of 20 years, which appears to be about the usual time required to get any popular measure carried in Parliament, the Forbes-Mackenzie Act was at length passed in 1853. Now, Sir, from that hour to this no Scotch Member has ever had the temerity to put even a Notice on the Paper of this House asking for any alteration of this law, much less for its repeal. Many things have been attempted to which small support was given; but it is a remarkable thing that a change of the character and importance of that effected in 1853 has never been called in question in this House. No Scottish Member has ever ventured even to express an opinion in this House that Sunday closing was of doubtful benefit to Scotland. I therefore, Sir, venture to repeat that we have very strong grounds indeed for asking that what we believe to be the wishes and feelings of the people of Ireland in this matter should be acceded to. The right hon. Baronet truly tells us that Ireland is part of the United Kingdom, and he refused in one part of his argument to discuss Ireland separately from the rest; though he adopted a different course in other parts of his speech. He asks, has there ever been an instance in which Parliament has given up its control over any of the parts of which this United Kingdom is composed? Well, Sir, I take issue with him on this point. I say there is such an instance. I say we deliberately did so in 1853, when in answer to the demands of the Scottish Members, this Imperial Parliament, though retaining for the rest of the United Kingdom the exemption of the publicans from the general law against Sunday trading, passed the Forbes-Mackenzie Act to meet and effectuate the presumed wishes of the people of

Scotland. So much for the Imperial argument of the right hon. Baronet. Allow me, however, Sir, to say a few words as to this exemption of the publicans. By the general law of the land all other trades are prohibited on Sunday, whilst an exception is made in favour of the publican. Now a friend who has counted them in Thom's well-known directory tells me there are over 300 different trades carried on in Dublin, every one of which is stopped on Sunday except that of selling intoxicating liquor. Nor, I would add, Sir, is this a mere paper prohibition. It is carried out by prosecutions and convictions. Last year I find there were 277 people prosecuted and convicted for breaches of the Lord's Day Act, while probably in many cases their next door neighbour, the publican, was driving a roaring trade with the sanction and encouragement of the law. In honour of Sunday and the Lord's Day Act we punish people who venture to sell beef or bacon, tea or sugar; but in honour of intoxication and its consequences we encourage them to sell wine, brandy, beer, and whiskey. Can anything be more preposterous than this? Is it that whiskey will not keep? Having regard to the poisonous stuff, which we find from a recent debate is carefully prepared for us, I should say that the longer it is kept the better—and even the best whiskey is, as we all know, the better for keeping. Now, Sir, I want to know for what intelligible reason an exception is made in favour of the publican in Ireland? I make no charge whatever against the publicans; they are just as respectable men and as honest traders as others, and have to live like other men; but I should like to see the absurd anomaly to which I have referred corrected. It is on this ground mainly that I desire to support this Motion. I cannot explain to the grocer, the baker, or the butcher why he is properly convicted for selling his wares on Sunday while his next door neighbour can sell as much whiskey as he likes. Nor can I give any satisfactory reason to the workman's wife or children why the law should prevent their buying the necessary and wholesome food upon a Sunday, whilst on the same day it allows and facilitates the expenditure of the last week's wages in intoxicating liquors. It is remarkable, Sir, that when the Irish Licensing

Act of 1833 was passed and public-houses were accordingly opened on the Sunday, there followed next year, as I am informed, a Petition from the Corporation of Dublin asking to have the Act in this respect repealed. There was, in fact, considerable discussion upon these matters about that time. Probably the action of the Scotch and the discussion which followed the decision by their High Court of Justice in 1832 may have had something to do with it; but, however that may be, we find that in the month of June, 1834, a most important Committee was appointed by this House to inquire into the extent and prevalence of intoxication among the labouring classes, its consequences, and what steps should be taken to prevent the further growth of so great an evil. That was no ordinary Committee. It consisted of 36 Members, and upon it we find the names of Lord Althorpe, Sir Emmerson Tennant, the late Sir Robert Peel, and a number of other eminent and experienced statesmen. They presented an unanimous Report attributing the then prevailing increase of drunkenness to the increased number of temptations placed in the people's path, by the increased facilities for obtaining drink; they reported that the drunkenness which prevailed was destructive to the health of the population, that it excited their worst passions, and was the efficient cause of much of the crime of the country; that amongst its results was the loss of much valuable shipping as well as other evils of great magnitude; and what did they recommend? They recommended that various restrictions should be placed upon the sale of beer and spirits; and amongst these, that the houses in which beer was sold should be closed entirely on the Sunday, except for one hour in the afternoon and one in the evening; and that houses where spirits were sold should be closed for the whole of the Sunday. Perhaps, Sir, a more important or influential Committee of this House never sat than that to which I have just referred; but the result of their labours and of the very valuable Report they presented was that nothing was done, and the several Acts dealing with this matter remained upon the Statute Book without alteration for some 20 years. Things, in fact, remained practically unchanged until the Forbes-Mackenzie Act was tried in Scotland;

and now we find that, notwithstanding all that was gloomily prophesied as to its effects, it has produced no evil consequences, caused no rioting or disturbances, and even in the great towns, such as Glasgow, with its teeming population of working men—and a large proportion of these Irish working men—has produced results which, under the circumstances, must be regarded as very satisfactory. As to the evil consequences which are dreaded by the right hon. Baronet opposite, if Sunday closing were tried in Ireland, it is to be observed that these are mere conjectures. For myself I entertain quite contrary opinions, and feel very hopeful as to the result, having regard to the state of public feeling in Ireland upon this question. I confess, Sir, I am surprised to hear those who profess to treat public feeling with respect taking the view they do. We have on this point almost absolutely overwhelming evidence in support of the Motion now before the House. If public meetings are to be taken as any test of public opinion, they have been held. If Petitions are to be regarded as expression of public wishes, they have been abundantly poured into this House. On the other hand, we have not seen a single public meeting called in opposition to this proposal. In fact, it is only opposed by those who have some direct or indirect interest in the continuance of the Sunday liquor trade. What foundation, then, I should like to know, is there for the statement that, in Ireland, there is a feeling against the Motion, that there is a strong under-current of opinion against it, but which cannot be proved, or, for that matter, even perceived? Only one so-called public meeting of its opponents has been held; and, considering the account we have received of the proceedings, I think we cannot be asked to regard that as a very satisfactory expression of public opinion. Again, take the meeting which was held the other day in the Phoenix Park, Dublin, presided over by the hon. Member for Louth (Mr. Sullivan). That was a meeting of working people, and I am told that there was full opportunity for any dissentients to express their opinions. Over 10,000 persons, I believe, attended it; and yet of all that multitude of working men there were only about 150 who expressed any objection to the Resolution then and there proposed and passed in favour of

complete Sunday closing. Now, Sir, if what I have stated be not a sufficient proof of public feeling in Ireland, I should be very glad to know what evidence of it will satisfy Her Majesty's Government. I also, Sir, must take leave to dispute the allegation of the right hon. Baronet opposite that this is to be regarded as an Imperial question. It is, I submit, a purely social question affecting the people of Ireland, and them only, and wholly unconnected with Imperial politics. It is pretended that Imperial interests require public-houses to be opened on a Sunday, when every other kind of shop is closed? If so, what are the Imperial interests that are so involved? Scotland can have nothing to say to them, for her public-houses are already closed. Imperial interests then must mean English interests. But we all know that even in England there is much division of opinion upon this very subject. I admit, indeed, that there is a large and influential class of persons—namely, the publicans of England, who support the Government, and have the support of hon. Members who sit opposite; but I shall not readily believe that these are the interests that are called Imperial, and to be promoted in disregard of the united voice of Ireland any more than of Scotland. Public meetings have been held, Petitions have been signed, and presented to the House—the Irish, and I hope Scotch Members too, are all but unanimous; and yet all this is to count for nothing, and why? Is it because proper measures are to be conceded only, to borrow the language of a late Proclamation, so far as conveniently may be? I cannot believe that any disturbing element will be allowed to operate with the Government; and if the right hon. Gentleman is satisfied that this proposal has the concurrence of the great majority of the Irish people, I do not believe he will allow his judgment to be biased by any such foreign consideration. But then, Sir, it is said we cannot make men temperate and moral by Act of Parliament, which is no doubt true; but it is equally true we may do some good by removing all needless temptations to vice. Just consider for a moment how the matter stands. We have a law which gave rise to some discussion here last year, and which prohibits the opening of places for public amusement on Sunday. We have again,

as I have already stated, laws in operation to prevent all work or sale of ordinary wares on Sunday; and whilst we put those Acts in force, punishing those who violate them, we deliberately keep public-houses open on Sundays. Now, if you will not let people go to the Brighton Aquarium without inflicting penalties on them, why, I would ask, do you keep open houses which lead people, not to places of harmless amusement like the Aquarium, but to the police-station, if not to gaol? It may be said, all such restrictions are survivals of antique legislation. Well, if so, repeal them all. Be reasonably consistent; and, as long as you maintain these laws unrepealed, and fine one set of people for breaking them, do not encourage their infraction by others, and those not the most innocent. In order to prevent temptation, the Legislature has put down lotteries, prohibited and shut up gambling-houses and betting-houses, and on the same principle there would seem to be every reason for discouraging drunkenness in Ireland by closing its public-houses on Sunday, as desired. It has often been shown that a large proportion of the drunkenness is attributable to drinking on Saturday night and Sunday. It is but natural this should be so, for the weekly wages have just been paid. Publicans, however, have the same right as other traders to sell their goods; and therefore, I say, let them be free to sell their whiskey and other liquors on the Saturday. What I submit is, that whilst they should have the same, they should have no more extensive privileges than other traders, and therefore, like the rest, they should close their shops upon the Sunday. Much of the mischief, too, of drunkenness in Ireland arises almost accidentally. Our people do not go out on a Sunday for the purpose of getting drunk; or, in many cases, even for the purpose of drinking at all. They casually meet their friends, go to the public-house for a social glass, and again to another, and so on until they are landed, perhaps, in gaol for some unpremeditated act of violence, which would never have been done if the publican had been prevented from tempting them with his drink at a time when the butcher is not suffered to sell his meat. Now, why should this be so? Is it that whiskey drinking is supposed by the Government to be conducive to the morals of the

people? That, at least, will not be said. In fact, Sir, nothing forces the evil of the present system upon my mind so much as the distressing way in which crime is often, I may say, casually produced by casual Sunday drinking. We find people casually dropping into public-houses, casually drinking, casually falling out, and casually attacking each other in a way that would be wholly unintelligible, if we had not this wretched whiskey drinking to account for it. Permit me, Sir, to call attention for a moment to the way in which crime in Ireland is connected with drunkenness. It is very remarkable how assaults and other breaches of the peace rise and fall in proportion to the facilities afforded for drinking and drunkenness. Thus, in 1867 the number of cases of drunk and disorderly was, speaking in round numbers, 76,000, and the number of assaults was 30,000. In 1870 the number of drunk and disorderly cases had risen to 96,000, and the assault cases rose 3,000 in number—namely, from 30,000 to 33,000. In 1872, owing to the passing of the Licensing Act, restricting the hours during which drink could be obtained, the number of cases of drunk and disorderly fell to 83,000, and the assaults again to about 30,000. I repeat the admission that we cannot make people temperate by Act of Parliament, but we can at least avoid creating exceptional temptations to drink. Why did we put down betting houses, gambling houses, and rookeries? Not because we wanted to make people moral by compulsion, or even to save them from the loss of their shillings or pounds; but because the temptations which such houses presented led to crime. It is said, however, that sufficient good may be effected by restricting the Sunday hours to 5 instead of 7; but, Sir, it appears to me that it would be much wiser, having regard to the strong public feeling of the country, to settle this matter once for all; for it will in the end be done, and in the meantime a great deal of mischief may be caused. It is far better not to keep the publican subject from year to year to these discussions, which certainly do him no good and can have but one termination in the ultimate passing of a measure closing public-houses altogether on Sundays, as demanded by public opinion in Ireland. I observe the chief objections are from the large towns; but, as has

been said, there are not many of those in Ireland; and, on the other hand, nearly all the crime of the country comes from these very towns. The crime of Dublin, for example, is 92 per cent as compared with 8 per cent in the surrounding country containing the same amount of population; and though the proportion elsewhere is less, still there is the same great preponderance of town over country crime all through Ireland; whilst it is admitted that a large portion of that crime is closely connected with intemperance. So said the Committee of 1834; so said men like the late Lord Althorpe and Sir Robert Peel. Again, this is the view which has been taken by the Judges who for several years have discussed the question. The grand juries of Ireland, the Boards of Guardians, the magistrates, the town councils, and other public bodies have passed resolutions in favour of Sunday closing; and if anyone says this is not enough, perhaps he will suggest a more efficient way of testing public opinion than has been adopted, and I am sure the supporters of the movement would only be too glad to try it. Nor, Sir, do I believe that there would be any insuperable difficulty in putting an Act such as is suggested into force. Why, I again ask, could we not do in Dublin and Belfast what has been done without difficulty in Glasgow and Edinburgh? Much, no doubt, depends on the measure being supported by such an amount of popular opinion, as will facilitate its enforcement. If the Government are not satisfied that the people of Ireland wish for the change, let them themselves adopt some mode of ascertaining what public feeling is upon the point; but if the testimony which we have already received will not move the Government, I am very much afraid nothing will. It may be that they have some reason entirely beyond our comprehension for not yielding to the demand; but it is desirable that at least some intelligible reasons should be assigned why we may not now follow the precedent set by this House with respect to Scotland 20 years ago; and why, whilst Scotland has been permitted to settle the matter for herself, Ireland cannot be allowed the same privilege. This matter, Sir, involves no question of high politics—it is purely a social question relating to the Irish people, and Irish people only. I, therefore, earnestly

hope that notwithstanding the attitude assumed on the subject now, as well as last year, by the right hon. Baronet the Chief Secretary for Ireland, this concession will be made by Her Majesty's Government, and the Motion of my hon. Friend and Colleague be accepted by them and by the House, in accordance with the practically unanimous wish of all classes of the Irish people.

MR. ASSHETON said, he wished to offer a few words on the Motion. At first, when he heard of the proposal of closing public-houses on Sunday not merely in reference to Ireland, but to the United Kingdom, he entertained a favourable opinion of it, but having since thought a good deal on the matter he had come to entertain doubts of its expediency. No doubt, many Petitions had been presented in favour of the closing of public-houses on Sunday; but although he was ready to admit that they were offered in good faith, he believed that many of those who signed them had very little idea of what they attached their names to. Last autumn he had made some inquiries on the subject of Sunday closing in England, and when talking to some of his own constituents on the question, he learned that when they eagerly desired a Sunday Closing Bill for England, they really meant a Bill for shutting public-houses against all persons whatsoever, not excepting the *bonâ fide* traveller. But that was very different from the legislation proposed by the Resolution, for its framer had expressly guarded against that interpretation by using the term "general sale of intoxicating liquors," which would not exclude travellers. For his part he took neither the side of the teetotaler nor that of the publican on this question; but, at the same time, he deprecated any attempt to harass the publican, though he admitted that his trade was one which should be regulated. He could see many arguments for closing up public-houses altogether on Sunday, but there were great difficulties in the way of settling the question. The "*bonâ fide* traveller" question was at the bottom of those difficulties. In one part of England there was a practice among a certain class of people of forming an omnibus club, the members of which paid so much a-week; and, in order to get drink on the Sunday, they rode out of the town for some three miles, then get

out of the conveyance, and enjoyed themselves at the first public-house they came to. Then they passed on to the next, and the next, and the result was the most abominable debauchery. He believed that if the Resolution were carried, that system would be extended; while the evils which arose from private drinking would counterbalance any good that might arise from the passing of such a Resolution.

MR. COGAN said, that he had never before voted on proposals similar to the one before the House, because he had always felt great objections to a system of legislation which appeared to be directed against a particular class, so as to restrict the general enjoyment of privileges because some were in the habit of abusing them. But year after year he had become more and more impressed with the serious evils which had arisen from the drinking habits of the people. He felt that these evils, indeed, were so great that it was necessary for legislation to step in and save the people from themselves, and he could not, therefore, any longer refuse to vote for the Resolution of his hon. Friend. No doubt this would involve a certain sacrifice of individual liberty; but that must be made, if it was necessary for the public good. The evils which had already been adduced, and especially the opinions of the Judges on the question—opinions so strong that no words he could use would add anything to their force, especially when so calm a Judge as Mr. Justice Fitzgerald stated that nineteen-twentieths of the crime and poverty of Ireland arose from excessive drinking—showed, he thought, that it was absolutely necessary for the Legislature to step in and protect the people against these evil drinking habits. Nor was it only that the Judges and the clergy of all denominations bore testimony to the necessity of a measure like that contemplated by the Resolution, but they had numerous Petitions from working men praying that they might be protected against themselves. At the same time he did not desire to see an ascetic, Puritanical observance, such as that which prevailed in Scotland, and which he believed contributed largely to increase the drinking habits on that day. On the contrary, he thought it desirable to provide innocent methods of recreation for the people on that day, and to encourage

them to resort to them. Although, however, he thought they ought not to stop short with that Resolution, he thought that it was a step in the right direction. It was, moreover, a measure which had the support of the great mass of the intelligent public opinion in Ireland. Entertaining these views, he must say that he was very much disappointed with the speech of the right hon. Baronet the Chief Secretary for Ireland. Last year he appeared to be favourable to the principle of the measure, provided only that the large towns could be excluded from its operation; but all he had done now was to propose a reduction of a couple of hours in the time during which the public-houses might remain open on Sunday. That was a compromise which would satisfy no one—neither the friends nor the opponents of closing on Sundays; it would only keep agitation on the subject alive. He could not think that desirable, and so thinking he must support the Resolution, although, as he said, he had never done so before.

MR. HERMON admitted that this was a subject that had greatly engaged the attention of hon. Members from Ireland, and he had great respect for their opinions. However, some of the arguments which had been used would show that there was a very large class of persons in Ireland who wished to have public-houses opened on Sunday. He did not doubt but that the hon. Member who brought forward this subject did so with the best intentions; and having supported the Coercion Bill of last Session, on the assurance of the Government that it was necessary for the good of the country, he had come down to the House prepared, for the same reason, to support a Trades Coercion Bill this Session. But since he had entered the House the Government had made a concession to the feelings of the supporters of the Motion which he thought ought to be accepted. He asked hon. Gentlemen if they had ever visited the homes of the poor? Were they aware that many working men preferred the six working days to the Sabbath day because they had no home comforts to enjoy; and were they, then, prepared to deprive them of that they might now obtain? He knew of cases of men in the manufacturing districts, three or four in one room, without fire or any comfort, and that they appreciated the

warmth of the factory or the mill on week-days; but if they closed public-houses on the Sunday they had no home where they could rest and enjoy themselves. He therefore thought that the concession which had been made in this matter ought to be accepted, and in this way much of the evil complained of would be got rid of. Looking at the information they had received from Ireland, he should rather walk out of the House than vote against the Resolution. Had it been, however, proposed for England he would have given to the Motion a decided negative, the more so as he remembered that when similar legislation was applied to London it led to riot and destruction of property, and the Act had to be repealed. He believed the Government proposed to deal with the question fairly and promptly, and that the concession they had offered to the party who promoted it was at the same time both right and the most reasonable that could be given on the subject.

MR. REDMOND said, with regard to what had been said by the hon. Member for Preston (Mr. Hermon), who had expressed great fear of the evil result to the comforts of the people if they closed public-houses on Sunday, he could assure him, and he assured the House, their great motive in that Resolution was to promote the happiness and comfort of the family fireside, and to increase and secure those home comforts at present too often endangered by the absence of the father of the family, squandering his money which he should keep for those comforts in the public-house. If they closed the public-houses first, the people would see that the attractions there were not such as to give comfort. The hon. Member had told them that the people who frequented public-houses on Sunday were a large number of the working men, and they represented the general opinions of the class. No doubt, if people did not go to the public-house on Sunday, it would not be necessary to come there that night in order to obtain an enactment to prevent them from doing so. But what they did was not what they hoped to do, or what they ought to do. When they wished to test the feelings and desires of the country, they adopted the best means to ascertain the opinions of both parties. They had taken their decision, and they asked the

House to grant them their claim. Why was not a similar form of Petition to Parliament adopted by those who challenged that opinion—that large number of people who frequented public-houses on Sundays? Why, when the house-to-house canvass went round, did they not come forward and express their opinions and take advantage of that high privilege they all enjoyed of petitioning Parliament? But one-tenth out of a population of 80,000 took that method; 69,000 out of 80,000 came forward and wished to have the Sunday liquor trade abolished. He asked hon. Members to which of those expressions of opinion they ought to give most accordance. The hon. Member for Clitheroe (Mr. Assheton) had spoken of the sort of public pic-nic that would be carried on if public-houses were closed. He had told them of people going out in waggonettes—a vehicle not much known in Ireland—with a supply of beer in barrels—an article still less known in that country—and having a general jollification. He thought the hon. Member in that sketch was rather telling them of his past experience of Lancashire, than predicting what would follow in Ireland. It was certain that Sunday drinking was not the fixed habit of the people of Ireland. Let him impress upon hon. Members to whom the people of Ireland had been represented as being very fond of their liquors and attached to their native whiskey, the Irish were not habitual drinking people at all. When temptation came in their way they drank, not otherwise. The Irish peasant, in many parts of Ireland, did not drink at all. Unlike the English peasant in the same position, he would not dream of drinking something every day; but when temptation fell in his way he succumbed to the temptation and got drunk; but he was not a habitual drunkard. Most of the people in the agricultural districts of Ireland were as sober as they could be. It was only upon such occasions as going to market or visiting the towns that temptation fell in their way. On Sunday after morning worship they had little or nothing else to do; and, after loitering about, what was more natural than that they should go to the public-house? and then, unfortunately, they drank away their wages and their wits. If this temptation was removed, from no one would Parliament have more hearty

thanks than from these people themselves. It was not only what was spent on Sundays, though that made a considerable difference in the wages; there generally followed a fine at the petty sessions. The wage of the Irish labourer left little to spare to dress and rear his children; and justice to the families was enough to call for the suppression of the Sunday drinking. Something had been said of coercive legislation; but there was this difference between the coercion law of last year and the present. In the first, the people did not want it; but here they asked for the coercion law. They had heard all sorts of prophecies and evil forebodings of what would happen if the Act to close the public-houses on Sunday became law in Ireland. What would happen had been told them in a very clever manner. But clever as these conjectures might be, he must with all respect give more weight to experience. They had experience in Scotland. There they had their own way in this thing; and could anyone say that we in Ireland should not have our own way. What had been the result in Scotland? The same predictions were made in the last debate as in this debate. That increase of drunkenness and all sorts of evils would follow. The actual figures showed them that the consumption of whiskey was immensely less than before the Act was in operation, and that the arrests had been also immensely less. But there was a stronger proof than that in the fact that every Scotch Member voted for them to give this to Ireland. He had the greatest possible respect for their Scotch fellow-subjects, and he did not believe that the Scotch would hold with the thing, if it had turned out to work badly. The Scotch were a shrewd, practical people, and would they have submitted to live for 20 years or more under a law, if they found a deplorable result? It was puerile and absurd to suppose they would. They knew enough of the Scotch to be sure that if they had, they would have got rid of the Act long ago. Nor had they been without some experience in Ireland of Sunday closing. It had been tried to some extent in that part of the country in which he resided. Under a voluntary system they had had Sunday closing for 20 years, and he thought that was a sufficiently long time for a test. During that time the merits and demerits of the system would surely

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come to the surface. If any of the prognostications referred to were to come about they would have heard of them in 20 years. The magistrates of the county had, however, heard nothing of the increase of drunkenness, or rioting, or other evils. The system introduced into Wexford was a voluntary one, and it was introduced by the late venerable Bishop. Struck by the miserable scenes of Sunday drinking, and after some discussion in his diocese, he appealed to the publicans to abstain from selling liquors for that one day. He was supported not only by Catholics, but by Protestants of all classes in the diocese, and the public-houses were closed, and with the best results, for, in 1872, some 14 years after the Sunday closing had been established, the venerable Prelate said that in all cases of drunkenness and disorder there had been a marked diminution. Besides the testimony of that good and holy man he would give that of another witness, whose name would command the esteem and respect of every hon. Member of the House—the Lord Lieutenant of Ireland, his Grace the Duke of Abercorn. In the autumn of 1874 there was a meeting of the Royal Agricultural Society of Ireland in Wexford. At the annual dinner—and a very capital dinner it was—his Grace attended, and his speech was looked to as an exposition of his views upon events and topics of the day. In the course of that speech he alluded to the Sunday closing and gave his high testimony to the good results in the most emphatic manner. He (Mr. Redmond) quite admitted this voluntary system of closing could not be carried out everywhere. In some places, and especially in large towns, there would always be some unruly and unaccommodating spirits, and here the strong arm of the law was required to enforce the system. But let them remember when they asked them to make that law to extend those benefits to Ireland, they had it in evidence that it was in accordance with the strong feelings and wishes of the people.

Mr. CALLAN said, he was not in favour of the unrestricted sale of liquor; but he stood forward to oppose the Motion on the same ground as he had opposed it before—namely, that it was a Coercion Bill. They had been favoured with a great deal of sentiment andatory that evening, but they had not

heard any statement of facts the accuracy of which they could test. The Committee who examined this subject most fully in the year 1868, when it sat 13 weeks, made certain recommendations which were embodied in the last Licensing Act for Ireland. Many men of great eminence in Ireland were examined before that Committee, whose evidence was distinctly opposed to the principles now advocated by the hon. Member for Derry, and he (Mr. Callan) knew that the opinions then expressed by those gentlemen were retained by at least several of them, who had lately had occasion to refer to the subject. Next to his Eminence Cardinal Cullen stood in the possession of rank and ability the very rev. Canon M'Cabe, the vicar general of the archdiocese of Dublin, and what had that rev. gentleman declared? Why, that from his experience of Dublin, he could not recommend total closing, but he was in favour of a restriction of the hours, and suggested a different time of closing for the different seasons of the year, declaring that it would be a great blessing if the public-houses were closed as far as possible in full daylight, because if a man got drunk at a late hour he went home, and was protected by the darkness of the night, and very few noticed him; but if he were obliged to go out drunk in full, clear daylight, he would be noticed, and would create a scandal among a people who regarded intoxication as a very great vice. The magistrates had not made a formal representation to the Government demanding a change in the liquor law, and no alteration in the hours or increased restrictions had been recommended. He (Mr. Callan) had been rather surprised to find in the course of the debate that not one single hon. Member who had spoken had suggested an earlier hour for closing on Saturday night, for every man who had carefully considered the subject would admit that Sunday drunkenness was chiefly owing to the late hours at which public-houses were allowed to close on Saturday nights. He maintained that concealed Sabbatarianism was at the bottom of the whole of this agitation, and in that view he would refer to the evidence of Mr. Robert Lindsay, of Belfast, who he wished to quote as a specimen of the intemperate language used by temperance advocates. Mr.

Lindsay declared that he did not regard spirits as any refreshment at all, and he laid down the extraordinary doctrine that the opening of public-houses on Sunday and the selling of whiskey on Sunday was a gross breach of the Seventh Commandment, and that one might as well violate the command which forbade murder, adultery, and theft, as the command which forbade the selling of these articles on Sundays. Two other testimonies from Belfast gave a striking example of the manner in which the question was treated. One was the testimony of a reverend Professor whose religion, to judge from his speeches, did not seem to include the virtue of charity, for he declared that public-houses were dens of infamy. In connection with that he (Mr. Callan) would refer for a moment to the last lenten pastoral of the Bishop of Down and Connor, in which that Prelate directed the attention of his flock to the increasing use of alcoholic drink; and, speaking of the use of Parliamentary legislation on the subject, he declared that he was not one of those who thought the closing of public-houses was a cure for the evil. Coercive means, the right rev. Prelate went on to state, would never cure, but the will must be acted upon, and our blessed Lord had left us a religion which was not so barren of remedies that physical compulsion need be used as a remedy. With reference to his own town, he (Mr. Callan) had had the honour of presenting a Petition to the House from it shortly before Easter, which was signed by 2,104 persons, 788 being men, and 1,316 being women, and he had made it his business to consult with a borough magistrate of the town on the subject, and that magistrate had written to express, in strong terms, his disapproval of the Bill, and his opinion that it would work very prejudicially, by leading to the substitution of shebeens, in the place of more respectable houses. Nothing, that gentleman went on to say, could be worse than legislation which would induce people to take home bottles of spirits on the Saturday night to be consumed on the Sunday. The result would be deplorable, and would set a very dangerous example to families; and he (the writer of the letter) regarded the Bill as an attempt at vexatious legislation with regard to poor men, who were deprived of clubs, while it would leave

the rich man untouched in a country where there was too much class legislation already. He (Mr. Callan) had heard no observations made to-night with reference to the opinions of the Corporation of Dublin, but he had received a letter from Alderman Redmond, who was one of the most respected members of that body, who expressed a strong opinion that a reasonable time ought to be allowed on Sundays to enable the working classes to provide themselves with refreshments. Another instance in which he had to complain of the intemperance of the language indulged in by the advocates of Sunday closing, occurred in the case of a certain Dr. Lees, who spoke at a recent meeting in Dublin, and who for the last 10 years had been connected with the United Kingdom Alliance—[An hon. MEMBER: No, no!]
—he was glad to hear that repudiation—had declared that in Parliament hon. Members who opposed the measure were the Representatives of the corruption and of the ignorance of the country—they were men who might have liberty in their tongues, but they had corruption and tyranny in their hearts. That was said of Irish Members in the presence of an Irish Member. As to the proposal of the right hon. Baronet the Chief Secretary for Ireland, he (Mr. Callan) had been about to make a proposition as a compromise, which, he believed, would be accepted by the licensed victuallers, although he did not speak on their behalf. The proposition was not exactly to define the hours of closing by a hard-and-fast line, but with reference to the seasons of the year, and to make the hour of closing 7 o'clock in summer and 5 o'clock in winter. It had been openly said that if this measure were carried for Ireland a similar measure would before the lapse of five years be carried for England. Well, if English Members wished to prevent that being done with regard to England, let them now help to prevent it being done with regard to Ireland. He denied that the feeling of the people of Ireland was in favour of the entire closing of public-houses in that country on Sunday. The subject was not alluded to in the addresses of Irish Members to their constituents at the last General Election, excepting in one instance, and he believed that, if there were another General Election to-morrow, it would

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not be made a test question in a single Irish constituency.

MR. MACARTNEY said, he was very much surprised at some of the arguments which had been used by the opponents of the Motion. If not powerful, they were at least singular. One of the chief was that even if public-houses were closed on Sunday, it would not diminish the amount of drink consumed on that day. If so it would not be such a heavy blow to the privilege of the poor man as represented. Another argument was that because some other people could drink on Sunday, the working man ought to have also the opportunity of drinking whiskey on that day. It would also appear that "refreshment" meant exclusively spirits. Tea, cocoa, or coffee were out of the question, and they were also told they must think chiefly of the young men, the bachelors. But in Ireland the young working man generally went out on the Sunday with the young woman whom he intended to make his wife, and was he to treat her to spirits? Was that the way to treat the future mother of his children? The hon. Member for Cork (Mr. Murphy) astonished him by saying that there were only four arrests for drunkenness during the day in that city. [An hon. Member: On a Sunday.] He meant on a Sunday; they were talking about Sunday. The inhabitants of Cork must be very different from the people of the North of Ireland, for he could name a small place there with only 400 inhabitants which would produce more cases a day than Cork. He denied that the hon. Members for Cork and Waterford represented Irish feeling on the subject, and he believed he could state that only two Irish Conservative representatives would vote against this Bill. This, however, was not a Party question. It was not a movement to upset the Constitution or divide the countries, but an effort to improve the moral condition of the people of Ireland, and he trusted the House would allow it to be successful.

MR. SULLIVAN hoped, although the bonds of Party were strong in that House, he might, on this question, which was not a Party one, appeal in the case of every Conservative, Liberal, or Home Rule Member to the voice of conscience. He trusted he was not violating Parliamentary usage if he appealed upon this question to the conscience of England.

He put it to English Members how long they would perform the task that must be odious to conscientious men of coming into that House and, by force of an English majority, trampling down upon a moral question the almost unanimous vote of Ireland. It was in vain for right hon. Gentlemen opposite to disguise from themselves the fact that Ireland spoke that night on this question. They were not unanimous, he admitted, but what Act of Parliament could they pass, if the condition of its passing was that there should not be a single "No" against it? Would they arrest constitutional action in England, and forbid every benevolent effort of legislation until 99 per cent of the English people demanded it? What right had they, then, to put conditions on this country which they did not put upon England? Was an English majority on such a question to overpower nine to one of Irishmen? Let them look the state of things in the face. If the Irish demanded political enfranchisement, English Members might take refuge in what they considered to be the spirit of self-preservation and hold their grasp of political power; but when Ireland came almost unanimously to the Bar of that House, and asked that her voice might be heard, what was the reply? They could not concede this measure to Ireland, because they were not ready to grant it to England. The answer was—What about Scotland? "Oh" said the Irish Secretary, "the reason was this"—and he must have been sorely pressed for an answer when he resorted to such a one—"it all lies in the Westminster Confession. The Irish believe in the Council of Trent, and the Scotch believe in the Westminster Confession, and we will allow the votes of Scotch Members to stop Sunday drinking in their own country, but we will not allow Irish Members to do the same, because the Irish are followers of the Pope of Rome." The right hon. Baronet the Chief Secretary for Ireland did not put the matter so nakedly; but in Ireland, where they were in the habit of examining matters somewhat closely, that was the interpretation that would be put upon his speech. The right hon. Baronet taunted them with their figures, and gave the House an idea of correct statistics from Dublin Castle. But the Castle statistician had misled the right hon. Baronet upon this

subject. They were asked to explain how Dublin, with 60,000 families, gave only 30,000 votes, and the Chief Secretary taunted them with this, forgetting that he gave the families within the Parliamentary boundary, whereas the canvass had been confined to the municipal circuit, which was much narrower; forgetting that in the Census the soldiers, the paupers, the criminals had all been counted, and that these had all been left out in the canvass. The house-to-house canvass of Dublin and the other large cities on this question had been far more exhaustive than the Government supposed. There were no means known to the Constitution of manifesting the popular will, sentiment, or determination upon this question which they had not resorted to. Did they refer to votes in that House? They were told that would not do. Did they quote the opinions of magistrates? Oh, they did not want public-houses themselves. The opinions of the clergy? Oh, they took an exaggerated view of a moral question. The opinions of Poor Law Guardians? Oh, they were elected to look after the rates. The opinions of corporations? Oh, they ought to mind their own business. Would any commentator on the British Constitution tell them what resort was left to them in order to complete their demonstration of the popular will? Was it house-to-house canvass? Manhood suffrage? Womanhood suffrage? Universal suffrage? Public meetings? Within the last year they had resorted to public meetings, and not only house-to-house, but room-to-room canvass. Nothing else remained, unless they were to erect barricades in the streets or break down Hyde Park railings. They were not going to do that. Upon this question he would not indulge in exaggeration. He would endeavour to state as fairly as he could the position of affairs in Ireland on this question. He was not impartial, and made no pretence of being so; but he had no desire to delude himself, and no ambition to deceive the House. The mournful dozen or 15 hon. Members who from time to time voted against them represented pretty fairly the state of affairs in Ireland. Most of them came from two or three large cities, and were to a great extent returned by those connected with the liquor traffic, who were the only section in Ireland that might be trusted to vote by their

pockets, irrespective of Party considerations. The right hon. Baronet had taunted them with the fact that the large towns in Ireland returned hon. Members against this movement. It was, in fact, only from two or three great cities in Ireland that antagonism to Sunday closing proceeded. He believed that if the hon. Baronet the Member for the City of Dublin (Sir Arthur Guinness) were persuaded that the feelings of the working men were in favour of the measure, he, too, would give it his support; for there was no man in Ireland who did not do the hon. Baronet the justice of believing that he would not allow personal considerations to influence him in respect of it. The hon. Baronet suggested that an open-air or large public meeting should be held to test the opinion of the working classes. The Lord Mayor of Dublin accordingly convened such a meeting. The opponents of the movement attended as well as the friends, and moved their amendment. They advocated their views and, in the result, were utterly outnumbered. Well, that meeting was held in the daytime, and its opponents suggested that it was not a fair test, because the working man could only attend in the evening, whereupon he (Mr. Sullivan) at once suggested that a night meeting of the working classes should be convened at the Rotunda, if their opponents would bear half the expense. The reply was that the supporters of Sunday closing had plenty of money, and that the poor publicans had very little. He immediately said that they would bear all the expenses, and a night meeting was convened at the Mechanics' Institute, which was largely attended by the working classes; and the question having been fully discussed, none but genuine artisans spoke, and the majority was still greater than it had been at the former meeting. What remained? It was suggested that a great open-air meeting should be held, and over such a meeting, held in the Phoenix Park, Dublin, last Sunday, he had himself presided. He supposed he was asked to preside, because it was known that if there were an attempt to impose tyranny on his fellow-countrymen, he was not likely to be its advocate; and he believed that his humble name was thought to be a guarantee that no blow would be struck at the ordinary liberties of Irishmen.

Mr. Sullivan

It consisted of from 10,000 to 15,000 persons, of whom probably 2,000 or 3,000 were present from curiosity. What was the verdict of that meeting? It was this, that while 8,000 persons held up their hands in favour of Sunday closing, 150 was the highest estimate that was formed by the newspapers of those who were opposed to it. The working classes of Dublin had therefore expressed their views on this subject in an unequivocal and decided manner. He and his friends had been taunted, because at the last General Election they did not put forward certain test questions. It was the policy of politicians to minimise the points of difference. The question of Sunday closing of public-houses was not a political or election test in Ireland, but those who thought with him could point to such a combination in that House as had never been since Ireland had a representation there. He called upon the Government, if they had any respect for the views of Ireland, to consult to-morrow the vote of that night. In the first Division which had been taken on the question, 8 Irish Members voted against Sunday closing; 27 for it. The question was then carried against Ireland by the votes of English Members. In the next Division there were 42 Irish votes against 10 opposing; in the next, 34 to 10. They would see Irish Members that night of every shade of political opinion—Home Rulers, staunch Conservatives, and genuine Liberals—going into the Lobby in favour of the Resolution of his hon. Friend, and yet they might be told that they did not know what was for the good of their country. The right hon. Baronet the Chief Secretary for Ireland spoke of the evils which he believed would follow from such a measure as they advocated, and which Irishmen of all political complexions and of all religious sentiments earnestly called upon them to pass. But the right hon. Gentleman, towards the end of his speech, forgot all about the evils of which he had spoken, and declared that the restriction of the hours of remaining open had been attended with the best results. It was asked, where were the opinions of the magistrates and Judges? Well, it was for magistrates and Judges to administer the law, and not to advise legislators how they ought to change it; but this he could say, that often and often Judges and magistrates appealed from the

Bench to that House to remove that source of temptation from poor people which was the prime source of so much crime, degradation, and misery. But it was said that shebeens would arise and domestic drinking would ensue. A noticeable fact in this discussion was the different ways in which the same thing was spoken of by the opponents of the measure. Obtained in the public-house, drink was refreshment; in the shebeen it was a source of demoralization. Why should that which was so excellent and wholesome when sold at the tap, be demoralizing when administered across the table at home? "Oh, but the wife and children would be ruined!" Ruined by what? If this were good for the husband, and so innocent that the law must provide it for him conveniently, why was his wife to be debarred from this good thing? And if it was such an exceedingly rare refreshment, why should it be poison to the little boys and girls of the family? He knew of no question debated in that House in which so much unsound logic was talked. Shebeens were places in which the working classes, according to the opponents of the present proposal, were more frequently to be met with than in the gin palaces. If that was so, and the liquor supplied was properly regarded as refreshment, why not increase the number of beer-houses, instead of taking a course that could only lead to an increase in the number of unlicensed drinking places. The experiment of Sunday closing had already been tried in some parts of Ireland, and no results had followed which would in any way justify the gloomy prophecies as to the results likely to follow from the extension of restriction over the whole country. The feeling of Ireland was strong upon the question, especially the religious feeling. As they had recently seen on the part of Protestants, they knew how strong was the feeling on the part of the Catholics; and he could scarcely think that the Government would attempt, with the assistance of English Gentlemen having seats in that House, to stifle the aspirations of the people of Ireland.

SIR JOHN SCOURFIELD thought the experience of England, where with regard to attempts at restricting the hours during which public-houses should be open on Sundays had been so unfavourable, ought to prove the necessity

of extreme caution in dealing with the question before the House. In 1854 an Act of Parliament was passed fixing the closing of public-houses from 2.30 P.M. to 6, and again at 10 P.M. That Act, however, was so unpopular that it was repealed after one year, and the closing hours were limited from 3 to 5 and 11 P.M. It had been urged that the Government having suppressed gambling houses should also suppress drinking houses. He could not regard the cases as analogous. Gambling was bad in its every aspect, but drinking was only bad when carried to excess. The evil complained of was on the part of those who consumed liquors to excess, but they had no right to touch the privileges of those who drank in moderation because others proceeded to excess. The duty of the Government was to ascertain the feeling of the people on such a question, and no doubt it was one of the most difficult tasks for a Government to perform. They might guide themselves in this matter by the opinions of the Press, and by the sentiments of individuals. In order to ascertain those sentiments, it had been proposed there should be a house to house visitation, but he objected strongly to this, as a proceeding calculated to interfere with the personal liberty of the people. The Government had offered further to restrict the hours during which public-houses were open on Sundays, and he thought hon. Members opposite would do better to accept this proposal than to support an extreme course that must inevitably result in a re-action.

MR. JOHN BRIGHT: A large number of hon. Gentlemen who are now in the House were, I think, present during the speech of right the hon. Gentleman the Chief Secretary for Ireland. I listened to his speech with great regret. It seemed to me that he was one of those unfortunate scholars who had made no advance, and who since last year had, in point of fact, gone considerably backwards. To my mind his speech was laboured to the last degree, and he evidently spoke under great difficulty, as any man must, I think, who has to meet the evidence which has been offered on this question. Now, he had not only to deny or to depreciate that evidence, but he had also to back out, as it were, from what he said last year, and to make a proposal which is at a distance that one

cannot calculate from the proposition before the House as compared with that which he apparently with some show of freedom proposed to the House a year ago. What is the evidence that we have? I am astounded—that is the only word I can use—that a Minister, or that any follower of a Minister, however devoted, who has heard the evidence on this question, should deny that it is conclusive and overwhelming. I put it to the oldest Member on this side of the House, or to the oldest on that—to the most experienced Member of Parliament—if he ever heard more conclusive evidence offered to the House of Commons in favour of any great public proposition, that the House was called upon to debate. Magistrates—I forget the number—I will not go into statistics—magistrates have been quoted; and nobody is more willing to take the opinions of the magistrates than the Home Secretary, when those opinions coincide with his own. The magistrates on these occasions are described to us as persons who live amongst the people, who see them continually, and particularly that class of persons among whom the drinking habits of the country have been most inveterate, and who suffer most from the temptations which we seek in some degree to remove. Unfortunately the clergy do not generally act well together. One Church has suspicion of another, and they are too apt to forget the common Christianity which they profess to teach. But on this occasion there is no difference whatsoever. You might have a thousand ministers of what was the Established, and what is now the Protestant Episcopal Church in Ireland, a thousand ministers of the Catholic Church, and probably an equal number of the Presbyterian Church, and some hundreds of the smaller Churches, and you might see them all in procession, and all in one meeting, and voting unanimously in favour of the proposition now before the House. Then I understand that other persons—Professors, medical men, lawyers, merchants, manufacturers, great employers of labour—come forward also to give their testimony in favour of this measure; and—I do not know how many there be in Ireland, but there have been also Poor Law Guardians to the amount of about 2,000; town councillors to the amount of nearly 600—and town councillors are not nearly so common or

so numerous as they are in England; but surely this shows an amount of opinion, a preponderance of evidence, in favour of this proposition such as was never obtained from Scotland or from England in favour of any proposal submitted to this House. And, besides all that, we have had from the hon. Gentleman the Member for Louth (Mr. Sullivan), who has made so interesting and convincing a speech to the House, an account of the public meetings held on the subject. There are no public meetings against the proposition. There is no evidence whatsoever that the workmen in Ireland are against it. In point of fact, it is a matter perfectly well known to all those connected with the temperance reformation in this country that there is no class when appealed to in public meeting or in private conversation so anxious that measures should be taken by Parliament to lessen the temptations to drink as the great mass of the working people of this country. And then with regard to Petitions—I do not know the exact number—but I think more than 250,000 signatures have been appended to Petitions. Last of all, we have the grand expression of the opinion of Ireland in the Representatives which she sends to this House. Why, if these Representatives do not represent a class low enough—I mean low enough in the social scale, it is not their fault, but partly the fault of right hon. Gentlemen opposite who opposed the extension and reform of the franchise which was lately proposed to the House. Besides all this evidence, which we had for the most part last year, there is also evidence that the demand is one which continues to grow in strength, and I believe every Irish Member, probably even those who will not vote for this proposition, will admit, if the House to-night should reject this proposition, that next year it, or a Bill, will come before us fortified by even stronger demonstrations on the part of the Irish people. Now, one of the arguments of the right hon. Gentleman was a very curious one. He argued that some people had not signed, and that probably a great many people had not been asked, and that probably some people preferred the present system. I do not doubt there are persons in Ireland, a good many, who prefer the present system, and there never has been to my knowledge a system so bad that some

people did not prefer to retain it. Absolute unanimity has never been known probably, and to my knowledge it has never before been sought for. Scotland has been referred to in respect of this legislation; but there was no unanimity in Scotland when the Forbes-Mackenzie Act was passed. I believe it was discussed several times in this House, and there were many persons in Scotland who were greatly opposed to it. But there is this great satisfaction, that if there were no unanimity in Scotland in demanding the Bill, there has been, I believe, a most perfect unanimity in Scotland in approving it after they have had experience of its operation. The right hon. Gentleman said, too, that there was a great question of principle involved, that we were dealing with Ireland, that Ireland was a portion of the United Kingdom, and that you could not overlook the fact that this was a principle of some magnitude and importance, and that if you dealt with it at all in Ireland, as a matter of course it might probably cross the Channel and cause some trouble in England as well. But all that is gone by. That is not an argument that is admissible. No man who argues fairly and logically, and with any respect for the intelligence of his audience, will offer an argument like that, because it was, of course, disposed of when a Bill of this kind was adopted for Scotland. Surely if the Imperial Parliament thought it wise to pass such a measure for Scotland, it is not open to a Minister now to say, especially when that measure has been so successful, that there is a difficulty in principle in applying a similar measure to Ireland. Besides, I admit—I do not deny at all—what the right hon. Gentleman said—that in adopting this principle, and in advocating it, its advocates are joining with certain other advocates of other propositions, with those, for instance, who advocate the Permissive Bill. It is quite true there is a certain kind of co-operation amongst all the friends of temperance in the Three Kingdoms. Some are pursuing one plan and some another, and there is much groping in the dark on this question; but we will hope that, by constant discussion out-of-doors and frequent discussion in this House, light may at length break upon us, and redeem the country from the greatest discredit which appears to

attach to it. But then I should say to the right hon. Gentleman that, if the time comes when hon. Members for England, or any considerable number of them, shall be able to offer to Parliament the same evidence on behalf of the same proposition for England which is now offered from Ireland, not one single Session of Parliament would pass before a Bill based on such proposition would become the law of the land. The hon. Member for Dundalk (Mr. Callan) delivered a speech which, if my recollection does not deceive me, is the same speech which he delivered last year. I observed that nearly all his quotations were the same, and nearly all his witnesses were the same, and he did not seem to be conscious of the fact that certain police officers, or Bishops, or Judges—I forget, and it does not matter, who were the witnesses—whose evidence was honest and good evidence in the year 1868 as to the state of opinion and as to what was best to be done, may be very bad evidence indeed in the year 1876. He must know that this question has grown within the last eight years, grown continually and enormously, until now it has become that great question to which all the people of Ireland are looking, and which, I venture to say—I might almost say it of the voting of this night—that this House will not disregard. And all those gentlemen, I dare say, whom he quoted as having great fears in regard to this matter, if they were now brought to the Bar of this House, might have opinions entirely different, and in all probability we could enrol them amongst the supporters of this Resolution. The right hon. Gentleman opposite, I think, forgot some of the transactions of the Session when he objected to deal with Ireland, unless he were allowed to deal with the United Kingdom. During the present Session he has refused, for instance, to deal with the Irish Franchise Bill. It may be he will next year take a different view of that. He refused also, I think, to deal with the municipal franchise, and he refused also to deal with the question of correcting and improving the Irish registration of voters; and then he objects to this Resolution, on which, no doubt, a Bill would be founded if it were accepted by the House; and it is most unfortunate that the only time when he is able to depart from his principle is

when he has a Bill to pass for Ireland which in some degree contracts the liberties of the country. I do not say the Bill passed for Ireland was not necessary; but, if his principle be a good principle, it appears very unfortunate also that in all those things which the Representatives of Ireland most unanimously wish for in this House he refuses to agree with them, but abandons his principle and opposes them in the very things which they do not wish to receive from it. I came to the conclusion during the course of the right hon. Gentleman's speech that he himself was conscious that the stream was too strong for him, and that it would be absolutely impossible for him to resist it; and so it seems, because towards the end of his speech, adopting his plan of last year, he suggested a compromise. Last year I was very much pleased to hear the proposition he made, because I think it was, under the circumstances, not an unstatesmanlike one. He said—"The difficulty is in the great towns." But the difficulty in Scotland has not been found to be in the great towns at all. It is a very curious fact, and a very interesting fact, that in Scotland the diminution of the number of persons who have been apprehended for drunkenness on Sunday, as compared with other days of the week, has been greater in Glasgow and in the largest towns than in the smaller towns and in the country districts. Therefore, in Scotland, there is no difficulty in the great towns; and remember that Glasgow has an Irish population equal to half the population of Dublin, and exceeding, I believe, the population of any other city or town in Ireland. Then the compromise which the right hon. Gentleman offered last year was not an unfair one. I understood him to propose that the Government might agree to the Bill of last Session, or to a similar Bill, if it excluded three or four of the largest towns in Ireland. [SIR MICHAEL HICKS-BEACH: A certain number.] A certain number, but I think the certain number was felt by the House to be, after the explanation of the right hon. Gentleman, three or four of the largest towns. There are only three or four of what we may call large towns. Well, that was a very fair proposition, because if the Bill had passed for the rest of the country, in all probability—

Mr. John Bright

Baronet the Chief Secretary for Ireland. He thought it contained the strongest possible evidence that the interest the right hon. Baronet was desiring to protect was not the public interest of Ireland, but the publican interest of England, and he for his part, as Member for an Irish constituency, could see in that the greatest motive for giving the best assistance he could to this Resolution, because he thought if anything could discredit the position of the Party which he usually supported in that House, it would be this—that in a question purely Irish, upon which they had the most abundant testimony as to the feelings of the great majority of the people of Ireland—the wishes of the intelligent people of that country—their interests should be subject to the opinions, not of the English people generally, but of the English publicans. If there were any defect in that testimony, he would admit there would be a flaw in their argument. He wished, however, to state one or two facts which had not yet been communicated to the House bearing upon that most important point—namely, whether the House had not before it at the present time, the most ample testimony that all the respectable and intelligent opinion of Ireland was in favour of the Bill which was shadowed in the Resolution. He had been into the Public Petition Office in the House while the debate had been going on, and he thought he was entitled to say to their opponents this, at all events—that if they would not believe the testimony of those who opposed them, they would at least believe the testimony of those who supported them. He found that although the question had been before the House of Commons and the public for so long a period, up to the 5th of May, the persons who petitioned against this Resolution from Ireland were only 3,357 in number, in seven Petitions. Now, their Friends on the other side were not satisfied with the affirmative evidence. He did not know what more affirmative evidence could be tendered than that which had already been alluded to, but what was the negative evidence? The utmost amount of interest and agitation on the part of the publican interest of England and Ireland had produced Petitions with only 3,357 signatures. He hoped his hon. Friends who sat on his side of the House would

believe that that was not only a serious question, but that it was a serious Party question. Would they believe him when he said that it involved this—whether the 30 Members who came as Conservative Members from Ireland should at the next Election dwindle down to 10. [“Oh, oh!”] Would they allow him to say this—that every Irish Conservative Member of that House felt that his position was undermined, that the interests of his constituents and Party were being imperilled by the conduct, in this matter, of the Government he was sent there to support? And would his hon. Friends behind him, who seemed shocked at his views, remember that he was an Irish Member, and that he had a right to represent the views of his constituents? He had been a Member for the city of Derry for nearly four years. That question had been before the public during the whole of that period. He had presented many Petitions in favour of the Resolution. There were 260 licensed houses in the comparatively small city he represented, and during the present Session, and during the last Session of Parliament, he had not had a single application from any of his constituents to oppose it. If they wanted negative evidence as to the state of public opinion upon the question, what could they have better than such a fact as that, considering they had been told by those who opposed this Resolution, that all the steps that had been taken for the purpose of eliciting public opinion were to be taken as nothing, because they could not have a regular poll of the whole population under Government superintendence? It was not his intention to detain the House upon the subject; but he thought it right with reference to the question of public opinion to say this—it had been said over and over again that they had not had the opinion of the working classes. He begged to say that he had looked at several Petitions which he had the honour of presenting and he knew the class of persons who signed them; and so far from being magistrates, clergymen, doctors, solicitors, or persons of a higher degree in life, they for the most part came from the lower middle class and the working class of the community who were the very persons said to be socially and individually affected by the provisions of the Bill; and he

Mr. Charles Lewis

should beg to point out that in a paper circulated amongst Members of the House no later than the 18th of April that year, a challenge was given by an association of working men of Dublin to hold a public meeting for the purpose of testing the opinion of the working men on this subject. What he wanted to put to the House was this—that they on that side of the House who came from Ireland—he believed he was stating it fairly and truly—would be found almost universally voting in favour of the Bill, except the right hon. and gallant Gentleman (Colonel Taylor) who was Member for Dublin County, and who was also a Member of the Government, and his hon. and learned Friend the Solicitor General for Ireland. He feared he might also say—and he should lament it as a deep loss—the noble Viscount the Member for Enniskillen (Viscount Crichton), whose position in that House had been changed since the last Session of Parliament. Had they not the fact that the almost unanimous opinion of the Irish Members on the Conservative side was in favour of the Bill, and that a large majority of those from Ireland on the other side were also in favour of it? That was the supplement, or in fact the apex, of all that great mass of evidence they had had that the intelligent public opinion of Ireland was in favour of the Bill. Well, then, what remained? This remained. There was one thread which they found throughout the whole speech of the Chief Secretary—"If you do this for Ireland, you will be bound to do it for England." Well, he was not prepared to say that he would subordinate the great social and moral interests of Ireland upon that subject, and place them under the heels of the British publican. He protested that there never was a greater slander—though perhaps the evidence of that night might suggest it to the mind—than to say that the Conservative Party in 1874 came into power by the votes of English publicans. But if the social and moral interests—if the social and moral elevation of the Irish people were again to be sacrificed—last year, it was by talking out the Bill—to-night, by voting against the wishes of the vast majority of the people of Ireland, of all classes—if that was to be the way in which Irish interests and Irish moral and social elevation were to

be treated, then would they give the best and the most convincing proof that the great Conservative Party in this country did not stand upon its high and noble traditions, upon the work that it had accomplished for the people of the country, but that its Leaders were prepared to stand upon the beer barrel as the representatives of the publicans.

MR. M. BROOKS said, he intended to vote against the Motion, which had been supported that night by a greater number of fallacies than he had ever heard in any previous discussion. He had heard nothing in its favour which he had not heard when the question was before the House three years ago. Much had been said about the working men of Dublin being in favour of this Bill. He knew the working men of Dublin well, and he was familiar with their views upon this question. Many of them told him that they never entered a public-house themselves, they were aware of the evils of intemperance, and were most desirous of promoting habits of temperance; but they said what they feared was, that if public-houses were entirely closed on Sundays, it would make temperance unpopular, and create hostility against the law which deprived the working classes of the means of procuring needful refreshment. The hon. Member for Louth (Mr. Sullivan) had, as a proof that the working classes of Dublin were in favour of the Resolution, told them that he had presided at a public meeting in the Phoenix Park so lately as last Sunday, and that there were 15,000 persons present. Well, Sunday was a day when people were at liberty, and the announcement that the hon. Member for Louth would be present and address the meeting with his well-known eloquence was quite enough to attract a large assemblage. He should not have been surprised to hear that 50,000 persons were present; but that was no proof that all who were present approved of the movement or of the resolution which was submitted to the meeting, even though there were few women or children present at it. Much had been made of the fact that there had been no Petitions against the Motion of the hon. Member for Derry. He thought that fact did credit to the publicans in Ireland. The trade possessed a most perfect organization. They had at command large funds, and by their

social and individual capacity could have influenced teachers of Sunday schools as others had influenced them, but they preferred to let the question stand upon its own merits so far as they were concerned, and to trust to the independence and judgment of the Legislature. On the other hand, the Sunday Closing Association were equally well situated, and had made extensive use of the influence it possessed in obtaining the signatures of young ladies and children in Sunday schools and all those whom a minister of religion could induce to sign a Petition. With respect to the working men, he was prepared to say that it was a delusion to suppose that they were in favour of this movement. They looked upon it with great contempt. They said it was promoted by people who never entered a public-house for refreshment themselves, who never had a glass of wine in their own houses, or gave their servants a glass of beer. As to the closing of public-houses altogether, that would not prevent people from getting drunk on Sundays. A police Return which he held in his hand showed that on Sundays, before the public-houses were opened, the enormous number of 1,040 drunken persons were arrested by the police, and there was little doubt that they had obtained their liquor in "shebeens." He also understood that as much as £140 worth of drink had been traced to shebeens on Saturday night and Sunday. As things were, therefore, there was a considerable amount of illicit traffic in liquor, and if the present proposal became law that evil would no doubt be largely increased. One word more. The Irish people were much distracted by politics and by Party questions. He asked the House not to add a new element of discord by pressing forward a question which would add to their division and create great bitterness of feeling.

THE CHANCELLOR OF THE EXCHEQUER said, he thought he had observed that the House was anxious to divide, and he rose not for the purpose of delaying the division by any lengthened remarks, but mainly with this object—The speech which was delivered by his right hon. Friend the Chief Secretary for Ireland in the early part of the evening was perhaps not heard by many hon. Gentlemen who were now present; and he was anxious, therefore, on behalf of

the Government to say in a few words the substance of what the right hon. Gentleman had stated to the House. What his right hon. Friend said really reduced the question at issue to this—The House had now to choose between adopting the abstract Resolution which was proposed by the hon. Member for Londonderry, or to accept the proposal which was made by his right hon. Friend on behalf of the Government—that if they would entrust the matter to the hands of the Government they would in the present Session introduce a Bill for the purpose of limiting the hours of public-houses opening in Ireland on Sundays. The right hon. Gentleman the Member for Birmingham remarked that the alternative they had before them, if they rejected the proposal upon the present occasion, was that they would have upon some future occasion some Motion or Bill on the same lines brought before them. He did not wish the House to look at the matter in that way. The alternative which was offered, if they rejected the Resolution, was not to wait until it was brought forward again, but at once to accept a proposal of the character mentioned by his right hon. Friend. Now he would ask the House to consider the matter as fairly and dispassionately as they could, and to believe that the Government, in dealing with the question—which was one, by the confession of all who had spoken, of much delicacy and difficulty, were actuated by no other desire than that of doing their duty to the country, and especially to Ireland, which was so much interested. This was not a question of a mere Party character, or one in which they were guided by the influence of the one or the other influential body of persons in the country. They were told, on the one hand, that they were influenced by desire to conciliate the publicans; and, on the other hand, his hon. Friend the Member for Londonderry (Mr. C. E. Lewis) told them that if they voted in another way they would lose the support of a large number of their Irish friends. They must set one of these considerations against the other. All he could say was that he hoped the House would believe him that they were in the matter endeavouring to act from a principle of duty. They believed they owed their position to the confidence felt generally that they would consult

the general interest of the country, and that confidence they were not likely to forfeit upon this question. That it was not a Party question was shown by the fact that the noble Lord the Leader of the Opposition three years ago opposed a Bill of this kind when he was in the Government of which the right hon. Gentleman opposite (Mr. Bright) was a Member, and he opposed it on similar grounds to those which had been urged by the Chief Secretary to-night. They must all have at heart the important object of diminishing intemperance, but they must recollect that although it might be easy to pass abstract Resolutions like that before the House, perhaps easy, too, to pass Acts of Parliament, they had to consider what might be the effect of hasty and imprudent legislation touching the interests and the feelings of a certain portion of the community. They had been told that there had not been any Petitions presented against the proposals embodied in the Resolution, but that was not any evidence on which the House could rely, because some years ago, when those Acts were passed which created so much sensation in this country, there were not any Petitions presented to the House against them, and it was not until those Acts were passed, and the people came to see how they were affected by them, that the resistance was offered to them which led to the reaction which caused their repeal. If they wished to make progress in the matter, they must take care they did nothing which might create a reaction and so defeat the object which they had at heart. The attention of the Government had been directed to an example of the facility with which a measure like the present might be carried in certain districts in Ireland, and they had found that it was true that through the influence of the ministers of religion and such worthy persons the system of voluntary closing had been adopted, and worked well in Ireland, but that was no reason why the system should be made compulsory elsewhere. The whole difference was this—that if they could persuade the inhabitants of a place to be sober it was easy to obtain their concurrence in the closing of the public-houses, but that if they attempted to force that system upon them, they would provoke a resistance which would defeat the very hopes they founded on the success of

the voluntary system. It was said that his right hon. Friend the Chief Secretary had gone back from the proposal which he made last year, when he suggested that the system might perhaps be adopted in country districts; but it would be recollected that that proposal did not meet with much favour from the supporters of the Resolution. To-night, however, the hon. Member for Longford (Mr. O'Reilly), speaking with great authority, pointed out some of the difficulties which might attend the compulsory mode of dealing with the question—that those difficulties would be found not only in the large towns, but also in the small fishing towns, and he would recommend the hon. Gentleman's arguments to the attention of the House. He would repeat that the proposal which was now made by his right hon. Friend was made in no antagonistic spirit to the Resolution of the hon. Member for Londonderry, but in a spirit of caution, that they might work gradually towards the object they all had in view—namely, the promotion of temperance and sobriety, and not to provoke a reaction against it by interfering with the legitimate comforts of those classes who desired, and he might say required, access to those places. That was the position of Her Majesty's Government, and it was not a question of a simple refusal of the proposal of the hon. Member, or its acceptance; but it was a question whether the House would adopt that proposal, or accept the assurance of the Government that, if the proposal was set aside, they would endeavour, as he had said, in the present Session to pass a Bill for the purpose of limiting the hours.

MR. GLADSTONE: Sir, I had not intended to take part in this most important and very interesting discussion, but the reference that has been made by my right hon. Friend who has just sat down to the language of the Representative of the late Government on the subject induces me to rise mainly for the purpose of removing a misapprehension to which, I think, his language might possibly give occasion. It is perfectly true that in the year 1873 my noble Friend the Leader of this side of the House did, on the part of the late Government, oppose the Bill which corresponded in general to the object of this Resolution, but he opposed it under circumstances, and he opposed it in

language totally different from that which has been held upon the present occasion, and to the circumstances which now prevail, and I will venture to say that if my right hon. Friends the Chancellor of the Exchequer and the Chief Secretary for Ireland would only now adopt the language then used by my noble Friend the course taken by them would substantially give perfect satisfaction to the promoters of the Resolution. For what was that language. Allow me to say, in the first place, that my noble Friend spoke when not one full year had elapsed from an important alteration in the Irish Licensing Acts, and which had already introduced considerable restrictions into the trade. But I do not dwell upon that. I dwell upon the language of my noble Friend, in stating his general objections to strong restrictive legislation of this kind. I concur in those objections. I think it requires a very strong case to warrant our overlooking them, and the whole question now is whether we have before us that strong case. What did my noble Friend say in two very short passages? He said—

“If Parliament thought the people of Ireland were in favour of some such measure, it would no doubt adopt the same course it did in the case of Scotland.”—[3 *Hansard*, ccxvii. 114.]

Let us contrast that with the language which we heard to-night from the Chief Secretary for Ireland, language which the Chancellor of the Exchequer has been judiciously careful not to repeat. We were told that there was a principle involved in the proposition of my hon. Friend the Member for Londonderry (Mr. Smyth) which the Government felt themselves bound to resist, and that principle was that legislation was about to be adopted in Ireland which might find its way across the Channel into England, and that, therefore, with the Government, it had become a matter of conscience to resist such legislation, entirely forgetful of the fact that if it was easy to cross the Channel, it was far easier to cross the Border, and that legislation of the same kind had already been granted to the people of Scotland which now, on principle, he desires, and is determined to refuse to the people of Ireland. In closing his speech my noble Friend spoke in still fewer words, and he said—

Mr. Gladstone

“Until that time came and a stronger feeling prevailed in its favour than now existed, he should, on the part of the Government, give his vote against such a proceeding.”—[*Ibid* 115-16.]

At that time, I apprehend I am perfectly correct in saying there had been no manifestation—no general or conclusive manifestation—of feeling in Ireland on this subject. But all the years that have since passed have been years each of which has added to the remarkable indications which have testified a degree of force and a union of sentiment which would be most remarkable, most noteworthy in any country, but are above all noteworthy, in a country like Ireland, which, unhappily, has so long been the victim of sharp feuds and animosities. Sir, what is it that induces my right hon. Friend the Member for Birmingham to take a great interest in this question? I have not been in the habit of troubling the House at great length in matters of this class, because I own I have felt the immense difficulties which beset us in efforts of well-meant legislation. When we have had to discuss a question of this kind for England we have continually felt when any measure of a strong or decided character was proposed that we were beset by such differences of opinion that we could not count upon obtaining for any strong legislation that amount of public confidence and approval which is absolutely necessary to secure its beneficial operation. But let me call the attention of the House, in seriousness and earnestness of purpose, to the extraordinary state of the evidence in this case. The Chief Secretary for Ireland says there is no distinct indication of the feeling of the people of Ireland. Will he allow me to ask him if in the nature of things there can be any possible test or criterion by which the feeling of the country can be tested which has not been tested, and successfully tested, in relation to the matter? You have had the opinions of every class represented before you. We talk of Petitions; you say they are of little consequence. We talk of meetings; you say they are of little consequence. It is shown that in Dublin and other large towns the people have been visited from house to house, and an overwhelming majority of favourable voices has been obtained, and then an hon. Gentleman of experience in this

House is to rise and say—"Whatever you have in the way of indicating public opinion, for Heaven's sake don't talk to me of house to house visitation." But then we have public meetings—do they give satisfaction? How is the remarkable statement of the hon. Member for Louth (Mr. Sullivan), to which I listened and the whole House listened with the greatest interest, of proceedings in Dublin, met by the hon. Gentleman the Member for Dublin (Mr. Brooks), who lately spoke and undertook to oppose this. His case—the case of the man who is denying the manifestation of public sentiment—is this, that 8,000 people were at a meeting, and 150 of them in an open public meeting of the labouring classes were opposed to the measure. Well, Sir, I ask, if we are not to speak of popular manifestations of sentiment, what other imaginable form is there for a people to show its opinions, except those varied forms to which I have referred? If rising upwards from the masses of the country we are to speak of its more educated and, as some may think in some respects, more enlightened opinion, we have had that opinion testified to the House in a manner which as far as my experience is concerned is perfectly unexampled. The figures, unequivocal and undisputed, setting forth the number of those belonging to the most important classes in the country, which have been laid before this House are figures such as, for my part, I have never known produced in relation to the discussion of any question before the House. We have the magistrates, representing that description of influence which comes from above, representing in the main the aristocratic element and the landed power of the country. We have municipalities representing the popular feeling of Ireland in those centres where more of political activity prevails; and for fear one might be supposed, when one speaks of political activity, to use the term in a Party sense, I may point to the hon. Member for Londonderry (Mr. C. Lewis) who, speaking with the same earnestness on this occasion as he has testified on former occasions with regard to this subject, tells us that those who feel with him in Ireland are minded in the same way with respect to this important question as those who are opposed to him, and he menaces his Party with loss of influ-

ence and power there in case this measure continues to be opposed. We have then the highest and most conclusive manifestation of all, of public feeling—namely, the votes of a large majority of the Representatives of Ireland, and finally, let me point to this, that majority not one of homogeneous composition, but largely made up of hon. Gentlemen who sit upon both sides of the House. I am really ashamed to trouble the House upon the matter, but when we remember the distinct and deliberate statement made to-night, that there has been no authentic or unequivocal manifestations of Irish feeling and opinion, I am compelled to revert to these various indications that have been brought before us, perfectly undeniable and unprecedented, I think, in their amount and character, before establishing the contrary position. These manifestations raise a serious question for the consideration of the House—happily, not a Party one. I will make my appeal simply on two points—namely, the interest we feel in the promotion of temperance, or the suppression of intemperance, and what is due to Ireland as one of the great incorporated members of this United Kingdom. With respect to the question of temperance, I have always entertained that general desire which is universal in the House, to make every practicable progress in the work of the repression of mischief, and the encouragement of sober habits, combined with a very great fear of raw and crude theories, and of extravagant and ill-considered measures which might lead to reaction. The consequence of this feeling in the House has been that, though we have done something here and something there, it has been but little, and we have almost apparently been undoing with one hand what we have done with the other; and upon the whole such very little progress has been made, as almost fills the mind with despair when we consider how difficult it is in the first place to fix upon what is reasonable in itself, and then be assured that in support of such supposed reasonable proposition there will be an amount of public feeling and approval adequate to secure its success. For once we have got before us a measure of a strong and decisive character as far as it goes, and yet it comes before us authenticated by such extraordinary signs of public desire and

approbation, as I have declared to be almost unexampled in former experience. I do not attempt to make my sentiments the measure of other men's minds; but I have felt that when such a measure comes forward so supported in Ireland as this is, the question of supporting it in this House comes really to be a sort of test applied to the reality and sincerity of that general desire to which I have referred. I know not how we are to make out to the satisfaction of the nation our sincerity in this matter if, when we obtain a situation so singularly felicitous as that we possess with respect to the present subject, we allow the opportunity to escape us, and resort to expedients for the sake of avoiding issues, because we have not the courage to grapple with them. Now, certain expedients have been resorted to. There is no necessity to raise up the associations of Party, and I do not wish to raise in detail associations of any kind that can be disagreeable to anyone. At the same time I may be justified in reminding the House, or that portion of it which was present last Session when the Bill was discussed, that it was got rid of, and a division was avoided, by those peculiar means which are much more efficacious than they are ostentatious, which are perfectly well understood by certain experienced and scientific professors in this House, and which, on that occasion, prevented us taking the declaration of the judgment of the House, which at that time it was well known, from very intelligent signs, would have been in favour of the Bill. Well, it is not desirable that those expedients should be resorted to, and my hon. Friend has pursued a wise and sagacious course in so framing his proposal this year as not to expose himself to similar tactics. We have now got offered to us a compromise, which consists of a reduction of hours as opposed to total closing on the Sunday. I wonder if the Chief Secretary really believes that the proposition he has offered, even if it were adopted by a narrow majority in this House, could possibly extinguish the sentiment which prevails in Ireland? It appears to me that, among other things, this proposition comes a great deal too late. The proposal made last year was a much better proposal than that the right hon. Gentleman makes this year; but it was

made without any of the indications of a practical intention to carry it into effect. We have now got this question before us, and it is one which will be treated extensively, perhaps, as a test of the sincerity of the professions we continually make of a desire to repress intemperance and to promote sobriety, provided only we can carry the people along with us. In respect to that great bugbear with which we are intimidated—namely, the phantom of a scheme of this kind in crossing the Channel, and bringing about similar legislation in England, I protest against its introduction into this debate. In the first place I think it is far too improbable to warrant either the fears of those who may dislike it, or the hopes of those who may with quite as much reason desire such a consummation. It may be difficult to determine what are the measure of local interest in which each of the three countries has some equitable title to be heard for itself; it may be difficult to determine that question on any general rule; but this principle has been determined for us here in practice beyond all doubt and dispute by the fact that we have adopted it for Scotland; and I say that if, after having adopted it for Scotland, the Members of the Government are to rise in their places and to say—"This is a matter of principle," and to ask the House to join with them in refusing it for Ireland, lest it should enter England, such conduct and such policy become little less than an insult to the people of Ireland, and I, for my part, will be no party either to inflicting such an insult, or to putting into the power of those—few I hope—who may still desire to dissolve the connection of Ireland with this country such an excuse, such an apology, such a useful and valuable pretext, aye, and perhaps something more, as they must necessarily obtain from such language on the part of the Government. Its adoption on the part of the Government is, I am sorry to say, a great calamity, and I am glad it was not adopted by the Chancellor of the Exchequer in his speech, although it was put forward by the Chief Secretary for Ireland. But it would be a very much greater calamity if the same language were to be adopted by the House, or to be incorporated in the acts of the House; and what I do venture to submit to the House is this—that the desire of Ireland

being clear and unequivocal, it is one of those desires that if we really admit the people of Ireland to have any title at all to be heard specially and peculiarly upon the regulation of their own affairs, it is one of those desires to which we are reasonably bound to give attention. The very fact that you have given it to Scotland proves it to be one of the cases which may be justly regulated and decided according to local sentiment and feeling; and if after giving it to Scotland you withhold it from Ireland, you lay down the principle of inequality in your dealing between the three countries, the adoption of which principle, in my opinion, makes those who adopt it far more deadly enemies to the union of the two countries both by law and by sentiment than are any of those who recommend the dissolution of the Union as a mere abstract opinion of politics, or may attempt to recommend it to any portion of the United Kingdom, provided only they are unable to support their arguments by clear evidence and demonstration that inequality governs the policy of Parliament in dealing with the respective sections of the United Kingdom.

MAJOR O'GORMAN: Sir, I feel that I am specially unfortunate in having to follow the right hon. Gentleman the Member for Greenwich (Mr. Gladstone); but I think that I should not be performing my duty if I did not resist the Motion of the hon. Member for Londonderry. There is no man who is more anxious for the sobriety of the Irish people than I am. Hon. Members may remember that last year I declared, and I declare the same now—that you cannot make a nation altogether sober, unless you destroy the means by which they get drink. I then told the House that if they wanted the Irish people to be sober—if we had statesmen who would care about making them sober, instead of draining their pockets to meet Army and Navy charges at a moment of profound peace, they might first destroy this liquor traffic, which is unquestionably the curse of the country. The hon. Member for Londonderry tells us that the Judges of Assize in Ireland have in almost every town told the people that all the misfortunes of Ireland are attributable to drunkenness. I acknowledge that, but that is not the question before this House. The question is not the crime, but the cure, and

that cannot be effected except in the way that I recommend. You cannot do it by stopping the drinking of liquor for a few hours on Sundays. The hon. Gentleman would allow the people to drink as much as they liked on six days, but on Sundays they must not drink at all. Up to 2 o'clock they cannot get any drink now on Sundays, and they may begin again at 7 and keep on till 9 in the evening. Surely that is limitation enough when people are allowed to drink for six days previously. Why on earth are you to prevent them from having even one glass on a Sunday? Do you make them virtuous by it? I affirm that you do not; but that, on the contrary, you provoke them to drink more. The speech of the Chief Secretary for Ireland has pleased me very much. I think his proposition is an excellent one. The right hon. Gentleman the Member for Birmingham told him that he was a very bad scholar. I do not know whether he is or not. I rather think he is not. The right hon. Gentleman was astounded, I think he said, at something the Chief Secretary had stated. But the right hon. Gentleman is always in extremes, and told the House the other day that on the occasion of visiting a school, he did not know whether to laugh or to cry. For my own part, I am glad the right hon. Gentleman did not cry, because weeping is infectious, and I and other hon. Members might have found ourselves sympathetically blubbering. I, however, will tell the right hon. Gentleman the Member for Birmingham what the Chief Secretary for Ireland did not do. He did not plead the cause of the English women in this House on one occasion, and then turn his coat, and not do it the next. With respect to obtaining whiskey on the Sunday, there can be no mistake whatever that that can be done either in Ireland or Scotland. The hon. Member for Louth (Mr. Sullivan) stated that if the people were so fond of shebeen-houses, why do they not go to them. Is not the hon. Member aware that these places are illegal, and that Her Majesty's subjects could be sent to prison for going to them to obtain drink? A man should not go to illicit houses for whiskey, and if I were a magistrate I would punish anyone who did so for breaking the law. I know the habits of the people of Ireland as well as any man. There is a large

number of respectable farmers in Ireland who every Sunday of their lives, after they have performed their religious duties, sit down in the public-houses with their friends to have a glass of beer, or whatever it may be, and to talk about the occurrences of the week or month, and compare notes about stock, the price of corn, and one thing and another. There are hundreds of these farmers in Ireland between 50 and 70 years of age, who have never been known to get drunk. They go to the public-house, take a small quantity of liquor, or a large quantity—it depends altogether upon the state of the man, and what he can carry; a man has a perfect right to drink what he can go away with, he does no harm to the republic or the kingdom by doing so—and after staying an hour or two they go home to their families and sit down with them at their meal. Now, Sir, what will the closing of public-houses on Sundays do to such a man? It is not true to say that the people of Ireland are acquainted with this Resolution. It is not true to say so. The men I speak of are respectable farmers, responsible men, men who love their landlords, and whom their landlords love—men who have been 50 or 60 years upon their farms, against whom no complaint has ever been brought, and whose lives might have been written by a Plutarch. I am perfectly in earnest; I could produce them in twenties in my own immediate neighbourhood. These men are by the Motion to be deprived of their usual glass of liquor on Sunday, and supposing they get it at the shebeen, and are discovered by the police, they will be brought up before the petty sessions, they will lose their day's labour, perhaps be sent to the Assizes for trial, and they may get a month's imprisonment. When a man who has been so sentenced goes back to his farm, what does he find? That his horse instead of being fat is lean. We say in Ireland—"It is the master's eye that fattens the horse," and that is perfectly true. The firkins in his dairy should be full, but they are empty. What becomes of that man? Why he abandons himself to despair. He says—"I will go into the town. I will pay my landlord no more rent, and I will spend all my money in drink." That will be the effect of this abominable law, brought in by a few "Praise God Barebones Irishmen."

Major O'Gorman

English Members have been asked to take part in this division. If they not, upon the same principle, they not take part in the Home Rule debate for the rule applies equally to the one and the other. I implore English Members not to leave without voting against this Resolution. If you carry this Resolution here to-night, you will have a revolution in Ireland. [Laughter.] I will tell you more—if you do not, I ought.

Question put.

The House *divided*:—Ayes 167; Noes 224: Majority 57.

AYES.

Adderley, rt. hn. Sir C.	Elliot, Sir G.
Allsopp, C.	Elliot, G. W.
Allsopp, H.	Elphinstone, Sir J. B.
Ashbury, J. L.	Emlyn, Viscount
Assheton, R.	Eslington, Lord
Barne, F. St. J. N.	Floyer, J.
Barrington, Viscount	Folkestone, Viscount
Barttelot, Sir W. B.	Fraser, Sir W. A.
Bass, A.	Gallwey, Sir W. E.
Bates, E.	Gardner, R. Esq.
Bathurst, A. A.	son-
Beach, rt. hn. Sir M. H.	Goddard, A. L.
Beach, W. W. B.	Goldney, G.
Bective, Earl of	Gordon, W.
Bentinck, rt. hn. G. C.	Greenall, Sir G.
Beresford, Lord C.	Greene, E.
Beresford, Colonel M.	Gregory, G. B.
Blackburne, Col. J. I.	Guinness, Sir A.
Boord, T. W.	Hall, A. W.
Bourke, hon. R.	Hamilton, Lord G.
Bourne, Colonel	Hardy, rt. hon. G.
Bright, R.	Hay, rt. hn. Sir J. C.
Brooks, M.	Heygate, W. U.
Brooks, W. C.	Hildyard, T. B. T.
Brymer, W. E.	Hill, A. S.
Bulwer, J. R.	Hogg, Sir J. M.
Buxton, Sir R. J.	Holford, J. P. G.
Callan, P.	Holker, Sir J.
Cave, rt. hon. S.	Holland, Sir H. T.
Cecil, Lord E. H. B. G.	Holmeadale, Viscount
Chaplin, H.	Hood, hon. Captain
Chapman, J.	W. A. N.
Cobbett, J. M.	Hunt, rt. hon. G. W.
Corbett, Colonel	Isaac, S.
Cordes, T.	Johnstone, Sir F.
Cross, rt. hon. R. A.	Johnstone, H.
Cust, H. C.	Jones, J.
Dalkeith, Earl of	Kennard, Colonel
Davenport, W. B.	Kirk, G. H.
Deakin, J. H.	Knightley, Sir R.
Denison, C. B.	Knowles, T.
Denison, W. B.	Learmonth, A.
Denison, W. E.	Lee, Major V.
Dickson, Major A. G.	Legard, Sir C.
Disraeli, rt. hon. B.	Lennox, Lord H. G.
Duff, J.	Lindsay, Col. R. L.
Eaton, H. W.	Lindsay, Lord
Edmonstone, Admiral	Lloyd, T. E.
Sir W.	Locke, J.
Egerton, hon. A. F.	Lopes, H. C.
Egerton, hon. W.	Lopes, Sir M.

Lowther, hon. W.
 Lowther, J.
 Manners, rt. hon. Lord J.
 Marten, A. G.
 Mellor, T. W.
 Merewether, C. G.
 Mills, Sir C. H.
 Morgan, hon. F.
 Manchester, Lord
 Murphy, N. D.
 Naghten, Lt.-Col.
 Newdegate, C. N.
 Newport, Viscount
 Noel, rt. hon. G. J.
 Northcote, rt. hon. Sir
 S. H.
 O'Gorman, P.
 O'Keeffe, J.
 Onslow, D.
 O'Sullivan, W. H.
 Paget, R. H.
 Pell, A.
 Peploe, Major
 Phipps, P.
 Powell, W.
 Power, R.
 Raikes, H. C.
 Repton, G. W.
 Rodwell, B. B. H.
 Russell, Sir C.
 Ryder, G. R.
 Salt, T.
 Samuda, J. D'A.
 Sanderson, T. K.
 Sandford, G. M. W.
 Sandon, Viscount
 Slater-Booth, rt. hon. G.

Scott, M. D.
 Scourfield, Sir J. H.
 Selwin-Ibbetson, Sir
 H. J.
 Sheridan, H. B.
 Sherriff, A. C.
 Smith, W. H.
 Somerset, Lord H. R. C.
 Sotheron-Estcourt, G.
 Spinks, Mr. Serjeant
 Stacpoole, W.
 Stanley, hon. F.
 Starkey, L. R.
 Starkie, J. P. C.
 Sykes, C.
 Taylor, P. A.
 Thornhill, T.
 Thwaites, D.
 Thynne, Lord H. F.
 Tollemache, hon. W. F.
 Tremayne, J.
 Turnor, E.
 Walker, T. E.
 Walsh, hon. A.
 Watney, J.
 Welby-Gregory, Sir W.
 Wellesley, Captain
 Wheelhouse, W. S. J.
 Williams, Sir F. M.
 Woodd, B. T.
 Wroughton, P.
 Wyndham, hon. P.
 Yorke, J. R.

TELLERS.

Dyke, Sir W. H.
 Winn, R.

NOES.

Acland, Sir T. D.
 Adam, rt. hon. W. P.
 Agnew, R. V.
 Alexander, Colonel
 Allen, W. S.
 Anderson, G.
 Anstruther, Sir W.
 Antrobus, Sir E.
 Archdale, W. H.
 Ashley, hon. E. M.
 Backhouse, E.
 Balfour, Sir G.
 Baxter, rt. hon. W. E.
 Beaumont, Major F.
 Beresford, G. de la Poer
 Biddulph, M.
 Biggar, J. G.
 Birley, H.
 Blake, T.
 Blennerhassett, R. P.
 Brady, J.
 Brassey, T.
 Brigga, W. E.
 Bright, Jacob
 Bright, rt. hon. J.
 Bristowe, S. B.
 Brocklehurst, W. C.
 Brogden, A.
 Brown, A. H.
 Brown, J. C.
 Burrell, Sir P.
 Burt, T.
 Cameron, C.

Campbell, C.
 Campbell, Sir G.
 Campbell-Bannerman,
 H.
 Carter, R. M.
 Cave, T.
 Cavendish, Lord F. C.
 Cavendish, Lord G.
 Chadwick, D.
 Chaine, J.
 Chambers, Sir T.
 Childers, rt. hon. H.
 Cholmeley, Sir H.
 Clarke, J. C.
 Clifford, C. C.
 Close, M. C.
 Cogan, rt. hon. W. H. F.
 Cole, H. T.
 Cole, Col. hon. H. A.
 Colman, J. J.
 Conyngham, Lord F.
 Corry, hon. H. W. L.
 Corry, J. P.
 Cowan, J.
 Cowen, J.
 Cowper, hon. H. F.
 Crawford, J. S.
 Cross, J. K.
 Crossley, J.
 Dalrymple, C.
 Dalway, M. R.
 Damer, Capt. Dawson-
 Davies, D.

Davies, R.
 Dease, E.
 Dickson, T. A.
 Digby, hon. Capt. E.
 Dillwyn, L. L.
 Dixon, G.
 Dodson, rt. hon. J. G.
 Douglas, Sir G.
 Duff, R. W.
 Dunbar, J.
 Dundas, J. C.
 Edwards, H.
 Egerton, Adm. hon. F.
 Ellice, E.
 Esmonde, Sir J.
 Evans, T. W.
 Ewing, A. O.
 Fay, C. J.
 Ferguson, R.
 Fletcher, I.
 Forster, Sir C.
 Forster, rt. hon. W. E.
 Foster, W. H.
 Gibson, E.
 Gladstone, rt. hon. W. E.
 Gordon, Sir A. H.
 Gore, W. R. O.
 Goschen, rt. hon. G. J.
 Gourley, E. T.
 Gower, hon. E. F. L.
 Grieve, J. J.
 Gurney, rt. hon. R.
 Hamilton, I. T.
 Hamilton, Marquess of
 Hamilton, hon. R. B.
 Hankey, T.
 Harcourt, Sir W. V.
 Harrison, J. F.
 Hartington, Marq. of
 Havelock, Sir H.
 Hayter, A. D.
 Herbert, H. A.
 Herschell, F.
 Hervey, Lord F.
 Hill, T. R.
 Hinchingsbrook, Visct.
 Holms, J.
 Holms, W.
 Home, Captain
 Howard, hon. C.
 Hughes, W. B.
 Ingram, W. J.
 Jackson, Sir H. M.
 James, Sir H.
 James, W. H.
 Jenkins, D. J.
 Jenkins, E.
 Johnstone, Sir H.
 Kay - Shuttleworth,
 U. J.
 Kenealy, Dr.
 Kennaway, Sir J. H.
 Kensington, Lord
 Kingscote, Colonel
 Laverton, A.
 Law, rt. hon. H.
 Lawson, Sir W.
 Leatham, E. A.
 Leeman, G.
 Lefevre, G. J. S.
 Lealie, Sir J.
 Lewis, C. E.
 Lewis, O.

Lloyd, M.
 Lowe, rt. hon. R.
 Lubbock, Sir J.
 Macartney, J. W. E.
 Macduff, Viscount
 Macgregor, D.
 Mackintosh, C. F.
 M'Arthur, A.
 M'Lagan, P.
 Maitland, J.
 Maitland, W. F.
 Marling, S. S.
 Martin, P.
 Meldon, C. H.
 Middleton, Sir A. E.
 Milbank, F. A.
 Moore, A.
 Morley, S.
 Morris, G.
 Mulholland, J.
 Mundella, A. J.
 Mure, Colonel
 Nevill, C. W.
 Noel, E.
 Nolan, Captain
 Norwood, C. M.
 O'Byrne, W. R.
 O'Callaghan, hon. W.
 O'Clery, K.
 O'Connor, D. M.
 O'Loughlen, rt. hon. Sir
 C. M.
 O'Neill, hon. E.
 O'Reilly, M.
 Parnell, C. S.
 Pateshall, E.
 Pease, J. W.
 Peel, A. W.
 Pender, J.
 Pennington, F.
 Playfair, rt. hon. L.
 Portman, hon. W. H. B.
 Power, J. O'C.
 Praed, O. T.
 Praed, H. B.
 Price, W. E.
 Ralli, P.
 Ramsay, J.
 Rashleigh, Sir C.
 Redmond, W. A.
 Reed, E. J.
 Richard, H.
 Russell, Lord A.
 Rylands, P.
 St. Aubyn, Sir J.
 Sheil, E.
 Sherlock, Mr. Serjeant
 Shirley, S. E.
 Sinclair, Sir J. G. T.
 Smith, A.
 Smith, E.
 Stafford, Marquess of
 Stansfeld, rt. hon. J.
 Stanton, A. J.
 Stevenson, J. C.
 Stewart, M. J.
 Sullivan, A. M.
 Taylor, D.
 Temple, rt. hon. W.
 Cowper-
 Tracy, hon. C. R. D.
 Hanbury-
 Trevor, Lord A. E. Hill-

Verner, E. W.
 Vivian, H. H.
 Waddy, S. D.
 Wallace, Sir R.
 Walter, J.
 Ward, M. F.
 Watkin, Sir E. W.
 Whalley, G. H.
 Whitelaw, A.
 Whitwell, J.

Whitworth, B.
 Whitworth, W.
 Williams, W.
 Wilson, C.
 Wolff, Sir H. D.
 Yeaman, J.
 Young, A. W.

TELLERS.

O'Connor Don, The
 Smyth, R.

Words added.

Main Question, as amended, put, and
agreed to.

Resolved, That, in the opinion of this House,
 it is expedient that the Law which forbids the
 general sale of Intoxicating Liquors during a
 portion of Sunday in Ireland should be amended
 so as to apply to the whole of that day.

PARLIAMENT — PRIVILEGE — PUBLIC
 PETITIONS—IRREGULARITY OF
 SIGNATURES.

PERSONAL EXPLANATION.

MR. NEWDEGATE: I rise to ask
 the indulgence of the House, Sir, whilst
 I offer an explanation with regard to a
 matter which is personal to myself. It
 is perfectly right and justifiable on the
 part of the hon. Member for Bury to
 have given the Notice of opposition to
 the Motion, which stands in the name of
 the hon. Member for Dundalk (Mr.
 Callan), so as to prevent that Motion
 coming on at an unreasonable hour of
 the night, since the Notice involves a
 wide issue, which ought not to be care-
 lessly treated in an exhausted House.
 But I have been placed in a very anoma-
 lous position. It will be in the recol-
 lection of the House that, on the 6th of
 April, I moved the discharge of the
 Order for a Petition from Chatham, which
 bore my name, or on which what pur-
 ported to be my name was endorsed. The
 hon. Member for Dundalk then gave
 Notice, and he had a perfect right to
 give Notice, of the Motion to inquire
 into my conduct with respect to that Pe-
 tition; but the effect of that Notice
 standing upon the Paper from the 7th of
 April till the present day, with the ex-
 ception of one day only, has been that I
 have been unable to answer Questions,
 which have been put to me with respect
 to the appearance of my name as en-
 dorsed upon the Petition from Chatham,
 upon a Petition from Broadstairs, upon
 a Petition from Avebury, upon a Petition

from Kensington, and upon a Petition
 from Leicester. Three of the Petitions I
 have mentioned are similar in substance
 with the Petition from Chatham, and
 have been discharged. When the Ques-
 tion as to the Petition from Chatham
 was before the House on the 6th of
 April, I declared my belief that my name
 had been improperly endorsed upon that
 Petition, and the House, upon my Mo-
 tion, on the ground of Privilege, ordered
 the discharge of that Petition. On the
 next day I was asked by the hon. Mem-
 ber for Dundalk, in the debate which
 arose upon his Motion for the discharge
 of three other Petitions, whether my
 name had been, with my authority, at-
 tached to the Petition from Broadstairs,
 to the Petition from Avebury, and to the
 Petition from Kensington? The hon.
 Member for Bedford (Mr. Whitbread)
 also put the same question, and I replied
 that, from want of Notice, I could not
 answer these questions. Afterwards, on
 the 10th of April, the hon. Member for
 Dundalk gave Notice of his intention to
 question me with regard to the appear-
 ance of my name on a similar Petition—
 the Petition from Leicester. That ques-
 tion was put whilst the Notice for the
 appointment of a Select Committee to
 inquire into the circumstances connected
 with my name having appeared upon the
 Chatham Petition stood on the Paper for
 that day. Both Notices were adjourned
 until the following day, Tuesday, the
 11th of April, when you, Sir, ruled
 that my answering the question which
 was then put to me by the hon. Member
 for Dundalk with respect to the Petition
 from Leicester was irregular. I now,
 Sir, claim the indulgence of the House
 while I read a letter from the only person
 to whom I have ever entrusted authority
 to endorse my name upon any Petition
 ---namely, my private secretary. Sir, I
 have been betrayed by my private secre-
 tary, who was himself deceived with
 respect to these Petitions. I expressed
 my strong opinion that, although not
 irregular, the allegations in those Peti-
 tions were impolitic and imprudent, and
 I stated to the House that they were
 such as I had beforehand remonstrated
 against being inserted in any Petition
 that I might be asked to present in sup-
 port of an inquiry as to Monastic and
 Conventual Institutions. This letter
 is from the only competent witness who
 was absent on the 6th and 7th of April

When the questions were first put to me with respect to the Chatham and the other Petitions. In his absence I could not, for want of information, answer those questions. The letter is addressed to myself, and is as follows:—

“3, Arlington Street, Piccadilly,

“April 25th, 1876.

“Sir,—I beg to inform you that the Petitions from Chatham, Broadstairs, and Leicester came into my hands late in the afternoon of Tuesday, March 28th, just before you were about to present Petitions. I certainly did not give them so much attention as I otherwise should, because I had, by your directions, been in communication with the persons from whom I received them and had their assurance that the recommendation I had sent them by your orders as to the form, according to which these Petitions should be prepared would be attended to. In looking over the Petitions before affixing your name I noticed several of the leading paragraphs to be in accordance with the forms I had by your direction forwarded to the promoters, and I too hastily concluded that the assurance I had received meant that your recommendation had been observed throughout. I extremely regret to find that in this I was deceived. Had I not been pressed for time I should certainly have given as much attention to these Petitions as I have habitually given to others, and I should have called your attention to anything which appeared to me remarkable or objectionable in them. I believe that the Petitions from Avebury and Kensington were with the others I gave you on Tuesday, the 28th, but it is possible that these may have been reserved for presentation till Thursday, the 30th.—I remain, Sir, your obedient servant,
“W. M. HOBLEY.

“C. N. Newdegate, Esq., M.P.,

“3, Arlington Street, Piccadilly.”

That letter, Sir, is from the only person who ever had authority from me to attach my name to any Petition. I admit that it was irregular that any one should attach my name to any Petition; but for six or seven years I had employed this person, whenever there has been any large number of Petitions sent to this House for me to present, particularly with reference to the subject of Monastic and Conventual Institutions, to bring these Petitions to my house, where we have examined them together, and I never knew him before fail to detect any objectionable matter in Petitions, or fail to inform me of it, if I did not see it myself. It is through this person having been deceived by the assurances he received from the promoters of those Petitions, that I, among other things, was betrayed into saying that I did not present the Chatham Petition. I did pre-

sent it, but without being aware of its nature; and to this cause is attributable the fact that my name appears as endorsed upon Petitions to the substance of which I had beforehand most strenuously objected.

MR. CALLAN said, he had been anxious to afford the hon. Member for North Warwickshire an opportunity for explanation, and, while accepting the explanation, he must say that the hon. Member had only to thank himself for any unpleasantness which had occurred. The hon. Member was entering into the details of the occurrence, when

MR. SPEAKER called him to Order.

MR. CALLAN gave Notice, that on Monday next he should move for the discharge of the Petition that had been presented from Newark.

SIR GEORGE BOWYER wished to know whether any hon. Member had a right to authorize anybody else to sign his name for him in a Petition?

SIR WILLIAM FRASER wished to know whether it was not an Order of the House that hon. Members should personally examine Petitions before they presented them?

MR. SPEAKER said, the Order of the House in reference to Petitions was clear. Petitions presented by hon. Members must be signed by themselves; and they were bound to acquaint themselves with the terms of Petitions before presenting them, in order that they might be certain that the language contained in them was guarded and respectful to the House.

WATERFORD, NEW ROSS, AND WEXFORD JUNCTION RAILWAY (SALE) BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to enable the Great Southern and Western Railway Company and the Dublin, Wicklow, and Wexford Railway Company to purchase the Waterford, New Ross, and Wexford Junction Railway from the Public Works Loan Commissioners, and to raise money for such purpose, ordered to be brought in by Mr. WILLIAM HENRY SMITH and Mr. CHANCELLOR of the EXCHEQUER.

Bill presented, and read the first time. [Bill 148.]

House adjourned at One o'clock till Monday next.

HOUSE OF LORDS,

Monday, 15th May, 1876.

MINUTES.]—*Sat First in Parliament*—The Viscount Leinster, after the death of his Father.

PUBLIC BILLS—*First Reading*—Cruelty to Animals* (85); Oyster and Mussel Fisheries Order Confirmation* (86); Local Government Provisional Orders, Briton Ferry, &c. (No. 4)* (87); Local Government Provisional Order, Skelmersdale (No. 5)* (88).

Second Reading—Statute Law Revision (Substituted Enactments)* (82).

Committee—Report—Inns of Court (47); General School of Law (48); Drugging of Animals* (53); Tramways Order Confirmation (Wantage)* (61).

Report—Gas and Water Orders Confirmation* (55).

INNS OF COURT BILL—(No. 47.)

GENERAL SCHOOL OF LAW BILL—
(No. 48.)

(*The Lord Selborne.*)

COMMITTEE.

On Motion for going into Committee on the first of these Bills,

THE LORD CHANCELLOR said, that on a former stage of this Bill he took occasion to submit to their Lordships the points of both Bills of his noble and learned Friend in which he concurred and the points generally in which he differed from his noble and learned Friend. Under these circumstances, it would have been his duty in the ordinary course to place on the Paper such Amendments as it seemed to him the Bills would require. But he also stated that he was in communication with the Inns of Court on the subject of legislation respecting several matters embraced within the Bills of his noble and learned Friend. Those communications were not yet concluded, and he entertained considerable hope that in a future Session he would be able on the part of the Government to introduce a Bill, with the concurrence of the Inns of Court, dealing first with the discipline of the Bar on a fixed and general principle to be acted upon for the Inns of Court conjointly; and next with a general provision for legal education, to be conducted by the Inns of Court conjointly; and lastly with an external body whose function it should

be to test by examination students desiring to be called to the Bar. He thought it was most desirable that any measure applying to the Bar and to the education of law students should have the concurrence of the Inns of Court. Having said so much, he would leave his noble and learned Friend to pursue what course he thought proper in respect of the two Bills on the Paper, reserving to himself the right to object to any of their provisions that might appear to him to be inadvisable.

LORD SELBORNE thanked his noble and learned Friend for this statement; but said he should prefer to see the Bills pass their Lordships' House, leaving it for the Government to take what course they might think proper in a future Session.

LORD COLERIDGE said, he did not think this was a convenient moment for pressing forward the Bill dealing with legal education. He believed the Law of Court were alive to the importance of the subject, and the Inn with which he had been connected (the Middle Temple) was making great efforts to establish an efficient school of law. He objected to the lines on which his noble and learned Friend (Lord Selborne) proposed to proceed. No step should be taken without full and free discussion with those directly interested.

Motion agreed to; House in Committee accordingly.

Bills reported without Amendment.

LAW OF BURIAL.—RESOLUTION.

EARL GRANVILLE: My Lords, in bringing forward the Resolution of which I have given Notice I will not detain your Lordships longer than appears to me to be absolutely necessary. Indeed, as your Lordships will perceive, there are physical reasons why I should not do so, the fact being that I am at this moment better fitted to perform the duty of mute at a funeral than to make a speech on the Law of Burial. The subject is one on which strong feelings exist, and I shall not disguise from your Lordships that in discharging the task I have undertaken I feel great anxiety. I am anxious to avoid everything which could give rise to angry controversy, and I am sure that a tone of asperity or anger is not the one in which your

Lordships would wish this question to be discussed. For that reason, my Lords, among others, I shall not by referring to them revive either the strong declarations made by the Nonconformists on the one side, or the equally strong declarations made by individual clergymen on the other. There may be some temptation to me to do so to give point to the argument the subjects may suggest, but I feel that the declarations to which I allude would be irrelevant having regard to the *quasi*-judicial view of the subject which I hope your Lordships will take in respect to this question. I do not think, my Lords, that I owe your Lordships any apology for bringing the matter under your consideration. My own belief is that when any great subject agitates the public mind, it adds neither to the dignity nor the weight of this House that we should wait till action has been taken elsewhere, or take the chance of a proposal from the Government on the one hand, or the chance of some measure being sent up from another House on the other. And this is a subject to which that observation particularly applies. I look upon this question of the Law of Burial as one of great social interest, and as one which concerns both the laity and the clergy; and I may remind your Lordships of what was said by the late Bishop of Winchester (Dr. Wilberforce), when following Lord Salisbury in debate some five years ago as to the greatest caution being desirable in order to prevent irritation on matters of this kind. I contend, my Lords, that this question ought not to be left solely to discussion on the part of the clergy in Convocation. It is a subject well worthy the consideration of an Assembly like this, which combines in so high a degree the lay and ecclesiastical elements of the Established Church of this country. I am glad to see the Episcopal Bench so full on this occasion; because strong observations are reported to have been made by some right rev. Prelates on the one side and on the other, and I think it more respectful to abstain from comments on the views of the Episcopal Bench, leaving it to the most rev. and right rev. Prelates to express their views to your Lordships' House.

Now, my Lords, I am prepared to hear objections made to the form in which I am bringing the subject under

your Lordships' notice. I remember reading when I first entered the House of Commons a book, the title of which I forget—but it was a book written by "Single-Speech" Hamilton. It contained hints to young Members of Parliament, and he pointed out to those who objected to a proposal or did not wish to commit themselves to it, that however a proposal might be shaped a number of ingenious arguments might be brought forward against its form. Remembering that, I wish to explain in a few words why it is I have brought forward my proposition in the shape of a Resolution. I imagine that no one can deny that my proposition assumes a constitutional and Parliamentary form; but it may be said that "calling the attention of the House" would have been a better form of proceeding than this by Resolution. Well, my Lords, I have observed that when "the attention of the House is being called" to a subject, noble Lords retire in considerable numbers as the hour of half-past 7 arrives, and when the report of the debate appears in the morning it is perhaps inferred that your Lordships took very little interest in the subject. Again, it may be said that I ought to have introduced a Bill. I do not think that would have been the more convenient or practical course. A mere skeleton Bill would have been open to strong objection, and I could not introduce a Bill complete in all its parts, because I do not yet know how far your Lordships are prepared to concur with me in the general principle of my proposition. But if your Lordships assent to my Resolution it will be easy to give effect to the principle it embodies. Now as I propose that Parliament should amend the Law of Burial, your Lordships may naturally expect me to give some statement of what that law is at the present moment. I apprehend there is no doubt whatever that by the Common Law every parishioner is entitled to interment in his parish churchyard; I apprehend that by the Statute Law the Churchwardens are compelled to inter in the parish churchyards the remains of persons who die in the parish; and I apprehend also that by the ecclesiastical law there is an obligation on the clergy to recite the Burial Service of the Church:—except in three cases—the first of these is where the person dies excom-

municated. I am told that, from the feeling which exists on the part of the Bishops in respect of excommunication, I may put that exception out of consideration. The next exception is that in the case of a person who commits *felo de se*. This exception applies to so very few persons that we may put it also out of the case. The third exception is that of the unbaptized; and these are of three classes. First, there are those who have remained unbaptized through want of care or negligence; secondly, there are those who have remained unbaptized from some unavoidable circumstance; and, thirdly, there are those who have remained unbaptized owing to their parents or guardians having a religious scruple against baptism—at all events, during the early years of life. Some questions have also been raised as regards the character of baptism, but that question has been decided by the Courts of Law of the country.

Your Lordships may next ask why I seek an amendment of the Law of Burial. For several reasons. First, I believe that law was enacted for a state of things which does not exist at this moment; it was enacted when the whole community was supposed to belong to one denomination; secondly, it was enacted when it was considered that the services of the Church as performed by the clergyman were the only safe passport for the dead to another world; and, thirdly, this law was enacted at a time when it was not contemplated that what was then considered a glorious privilege could ever come to be considered a penalty; and lastly, because the existing law is regarded as a grievance by Nonconformists. Of course, I have heard it asserted that the Burial Law is no grievance, or that, at best, it is only a simulated grievance, to the Dissenters; but I maintain that it is utterly impossible to make good that assertion, and I should attach little importance to it had it not been made by the Prime Minister himself. I do not want to trouble your Lordships with statistics, but I have been looking back, and though the statistics adduced three years ago in support of an alteration of the law are by no means complete with reference to the present state of the question, I should be content to rest my case on those statistics. I ask whether there are not hundreds of chapels without

burial grounds attached to them, and without burial grounds other than the churchyards at a convenient distance. I ask whether the congregations of those chapels—excepting such of them as happen to be persons of great wealth, and who, therefore, are able to sustain the expense of removing the remains of their relatives to a distance—are not obliged to use the churchyards as burial places? And I ask whether, if a religious service is read in these cases, it must not be read by a clergyman who does not sympathize in the religious sentiments of the deceased, or with the religious feelings of the mourners? Now, I ask your Lordships to consider what your own feelings would be in your own country if you, being members of the Established Church, were obliged to see your children or your friends buried by a Roman Catholic priest with the Roman Catholic service, or by a Dissenting minister with an extempore service. And suppose the case of the Roman Catholic priest thinking that the child was not duly baptized, or of the Dissenting minister objecting that it had been baptized before full age, and that on either of those grounds any religious service whatever were refused, do not you think you would regard that as a grievance? I am far from saying that the grievance is the same in the case of all Nonconformists. That large and respectable body, the Wesleyans, do not, I believe, object much to the service of the Church of England. They do object, however, that the funeral service over members of their congregation is not said by their own clergyman, but by one who does not sympathize with their religious opinions; and they object to the difficulty which often occurs in regard to the baptism of children. It may be said that to get over this difficulty you need not repeal the Burial Law; but that observation was more plausible than true. By the Wesleyans the question has been constantly raised on appeal to the Bishop, and almost invariably the Bishop gives a courteous reply; but the clergyman does not always take the advice of the Bishop, and unless the appellants can embalm the body the process of obtaining redress is too cumbrous and circuitous to admit of the deceased being kept unburied pending the decision of the question raised. Ten years ago the

Wesleyans established what the law is ; but the grievance, as a practical grievance, continues to this day. Take the case of other Nonconformists. They are not like the Wesleyans, but, like all the Protestant communities on the Continent, they have an extempore service at the grave ; but according to our law, if they bring their dead in the churchyard, they must have the service of the Church of England. My Lords, I do not wish you to take my word for this being a grievance. I looked back the other day to what occurred 40 years ago, and I found that the late Dr. Phillpotts—no weak member of the Established Church and no weak opponent of the Dissenters—expressed in strong terms his opinion that it was a grievance to compel Dissenters to submit to the service of the Established Church in the case of their marriages. I have already referred to something which was said by the late Bishop of Winchester on the very subject now under the consideration of your Lordships. Perhaps your Lordships will permit me to quote one passage from the speech delivered by that right rev. Prelate when the Burial Bill of the noble Earl opposite (Earl Beauchamp) was under discussion in this House, on the 20th of June, 1871. This is the passage—

“It was a great hardship to those who dissented from the Church of England, and who objected to the services used by the Church over the dead, that they should be in any way compelled, as the condition of a parishioner's right to be buried in the churchyard, to have that service read at the burial. They ought to remove as much as possible everything which savoured of those unhappy divisions which at present existed. If he were a conscientious Dissenter, and disapproved of the Burial Service of the Church of England, he should feel it a hard thing to be obliged, on bearing the body of his child to its last resting-place, to have a service read of which he disapproved, and which was repugnant to his feelings. The Dissenters had a real grievance, which it was the duty of Parliament to redress.”—[3 *Hansard*, ccvii. 393.]

My Lords, it is impossible to say either that this is a simulated grievance or a new grievance put forward for political purposes, when Mr. Hardcastle and Sir Morton Peto took up the question : Why it is at least 60 years ago that the Nonconformists put forward a Memorial in which they lay down almost exactly the same grievance that they complain of now. It is a grievance that they

have suffered with patience ; but, my Lords, it is rather hard when a grievance is suffered quietly to say that is proof that those whom it affects do not feel it, and then when they do come to Parliament in a legitimate way for redress to turn round and tell them that their nonconformity is political nonconformity. In one sense I apprehend they have as much right to be political as Churchmen ; but if it is meant in an invidious sense I will not say but that there may be among Nonconformists as there may be among Roman Catholics, or in our own Church, men who use religion only as a veil, being entirely occupied with objects of ambition. In that case I would ask, is it wise to give political Nonconformists, if such there be, the hold of a question which above all others is certain to secure the co-operation of their own body, and to a very great degree excite the sympathy of those who do not agree with them in their religious views. I wish also to change this law because I believe it to be a disadvantage both to the Church at large and to individual clergymen. With regard to the latter, it can hardly be supposed to be agreeable to their feelings to have to force upon those who are unwilling to receive their ministrations that beautiful, magnificent, and touching service which the Liturgy of the Church of England prescribes for the burial of the dead. It is again notorious that both the Common Law and the Ecclesiastical Laws are by different persons evaded. An influential friend of mine, who is not a Churchman, recently gave me a touching description of a burial service over his child which was permitted or connived at by the clergyman of the parish ; and I have heard of the case of two large and populous parishes which closely adjoin each other, and of which the clergymen are both respected and beloved. One of them is of High Church views and makes difficulties which practically almost exclude the bodies of Dissenters from his churchyard ; but the other, who holds Low Church views, renders matters so easy that large numbers of Dissenters are buried in his churchyard. My Lords, whether they break the law or merely stretch it, I say it is a hardship to put such a strain on their consciences as is placed by the existing law. My Lords, I heard a very

simple story the other day of a poor Roman Catholic child who had been utterly destitute until a humble home was secured for it by casual alms. It died, and the expense of removing it to a distant Roman Catholic cemetery was too great, and it was buried in the churchyard of the parish in which it died with the usual Church of England rites. But when that service was concluded, and the rector had departed, a Catholic priest in plain clothes, some young companions of the child, and a lady who had taken an interest in it, assembled round the grave, and the priest said prayers in a low voice and sprinkled a little consecrated water over the grave. A few days afterwards the priest received a letter from the rector, written by the direction of the Bishop. In that letter complaint was made of what had passed at the grave side, and explicitly stating that no such thing should happen again. No doubt the Bishop was right, and no doubt the rector was right; but somehow or other the story seemed to grate upon my ears. I felt that if the case had been reversed, and I had been seeing a poor Protestant child obliged by law to be interred in a Roman Catholic graveyard by a Roman Catholic priest, and when he had gone a Protestant clergyman, who really perhaps had saved the child's soul, had approached the grave and repeated a hymn and dropped a few flowers on the grave, I should have felt some compassion for the priest who was obliged by his Superior or by the law of his Church to administer a reproof to the Protestant clergyman for what he had done, and warn him against repeating the offence. I think, therefore, my Lords, that the existing law is a grievance not only for the Dissenter, but for the clergy of the Established Church.

The next question is—"What remedy do you propose?" Well, I think my remedy is very simple. The first part of my Resolution declares that the law should be amended by giving facilities for the interment of deceased persons, without the use of the burial service of the Church of England, in churchyards in which they have a right of interment, if the relatives or friends having charge of the funeral shall so desire. There is, I know, a feeling in the minds of clergymen, especially in the country, that such facilities would lead to desecration

of the churchyards. This, I believe, is owing to the consecration of churchyards. Now, I am not going into the question of consecration, on which a great deal of learning has been expended. I take it that consecration does impart to churchyards all the sanctity which that rite is held to impart. But what I am at a loss to understand is this:—According to our law, persons unworthy of any burial service may be buried in one of our consecrated churchyards. Does not that desecrate the sanctity of the ground? If not, I confess it is to me unintelligible that it can be desecrated by the burial of a worthy person who does not belong to the Church of England over whom a burial service is said, though it is not the burial service of the Church of England. How can it be said that the person unworthy of any burial service, and buried like an ox or an ass, does not desecrate the consecrated ground, while a person such as I have just named does desecrate it? Another objection, and one which appears to have the sanction of the Prime Minister, is that those who propose to amend the law make a one-sided proposal—that while Churchmen would be confined to one particular class of burial places, Nonconformists would have liberty in the choice of their places of burial. My Lords, I thought we were proud of belonging to the National Church of the country; I thought we rejoiced in our parochial system, and that we gloried in our beautiful Liturgy. If that be so, I cannot appreciate the objection to which I have just referred. It may be a good argument for disestablishment—it may be a good argument for destroying the legislation of the Church—it may be a good argument for reforming or abolishing the rubric, but that it is an argument as between Churchmen and Dissenters is what I cannot see. Another objection is that, though the Nonconformists might have had a claim to what is now asked before the abolition of church rates, now that they have no longer to pay for the maintenance of the churches and the churchyards the ground is entirely cut from under them, and they have no longer a right to demand the concession asked for. That may sound well enough abstractedly. But, first of all it strikes me that legally, all the rights Nonconformists had before the abolition of church rates remain to

them now. The Act of Parliament abolishing those rates did not change those rights, but only provided that no person should have a vote on the application of the voluntary rates who did not contribute to those rates. I take another point, if anything turns on this argument. It is a fact that thousands of Nonconformists not only subscribe to the maintenance of the churchyards, but to the maintenance of the churches. I have taken some pains to derive information on that point, and no doubt right rev. Prelates will be able to confirm what I have said; but with regard to the churchyards, I know that in my districts collectors go round and say to the Nonconformists,—“You do not use the church, and so we do not think it fair to ask you to subscribe to it, but you do use the churchyard, and have a right to use it, and therefore we do ask you to contribute to keeping it in order.” I hear that almost invariably that appeal is responded to. But while there are thousands of Nonconformists who pay towards the maintenance of the churchyards, there are hundreds of thousands of Churchmen who do not. Will the noble Marquess (the Marquess of Salisbury) say that thousands of Churchmen contribute to the maintenance of Nonconformist chapels? Besides that, it is well enough known that the Nonconformists pay their share out of the poor rates towards the maintenance of the churchyards. It is said that if the churchyards be opened to Nonconformists it will be impossible to close the churches against them. That is an argument which has been described as irresistible in reason; but I confess that I am not quite sure that it is a very prudent argument. Many changes have been more opposed than the one I am now proposing; and your Lordships may or may not agree to my Resolution; but you have already agreed to the Act repealing the Test Act, the Marriage Act, and the Church Rates Abolition Act. Would not the argument have been equally good against any of these measures? Yet these changes were made, and it would be very unsafe to say that the one under debate will not be made. Then, again, a good deal has been made of anticipated desecration in the event of the opening up of the churchyards and the unseemly scenes that might follow. But it is said that if you open your

churchyard gates you may have 40 Mormon widows, all howling, jumping, and stamping in your churchyards. In reply to this, I may first remind your Lordships that at this moment there is nothing to prevent those 40 ladies from howling, jumping, and stamping up to your churchyard gates, except such police regulations as, I presume, would be available inside as well as outside the burial place. But, my Lords, has there been any instance in any country where the full liberty I now demand is granted where such indecent spectacles have occurred at funerals? I do not think we need have any apprehension on that ground—and even if there were any danger of such things occurring in this country, we may well trust to the good feeling and good sense of the country to prevent any such scenes.

I now come, my Lords, to the proposals that are made with the view of remedying or obviating the grievance. One is simply that of providing separate burial-grounds or cemeteries. There are obvious advantages connected with it, and it is a remedy already adopted to a certain extent in connection with the large towns; but it is not called for in many country districts, where there is yet ample room in the churchyards for the burial of the dead; and, while the public health does not imperatively call for the closing of the churchyards, Dissenters cannot be expected to sacrifice the natural feelings which make them cling to the churchyard as the family burial-place. I have seen accounts of American after American visiting the village churchyards where their forefathers were buried; and if the citizens of a foreign country are impelled to take such journeys by local tradition which still linger in their families, is it not a natural feeling demanding respect which invests the churchyard where the members of the village family are buried with associations to which even the Dissenter will do no violence, except under the obligation of an imperative necessity? When the measure relating to Ireland was before Parliament both Lord Liverpool in this House and Attorney General Plunket in the other House objected to separate burial-grounds in the strongest terms. Lord Liverpool said he would not be a party to drawing an additional line of demarcation between the different religious sects of the country; and At-

torney General Plunket said the plan of separate burial-grounds would violate the most sacred feelings of the country by dividing families in death, and separating husband from wife, brother from brother, and parents from children. This proposal, besides denying the Dissenter that to which he thinks he has a perfect right, involves another question, and that is, whether we are prepared to burden the whole community with the expense of providing separate burial-grounds when they are not absolutely required to maintain the public health. Another proposal is made which involves the concession of nearly all I ask for—namely, the admission of the Nonconformists to the churchyards with the condition that any ceremonial to be adopted by others than the clergy of the Established Church shall be prescribed by Parliament. It is said that something of the sort was proposed by an hon. Member of the other House; but he has told me that he made that proposal on his own responsibility, and without any authority from the Nonconformists, some of whom assure me it was very distasteful to them. I object to it on another ground. Why am I, a Churchman, to take upon myself the invidious task of framing a ceremonial for Nonconformists? No one has a right to ask the Church to do this; and if you are inclined to make such a great concession, what on earth is to prevent you making it in the most gracious manner you can? Why should we assume the invidious burden of framing for them a formulary which we know they will not accept? Another proposal which has been made is to allow any one to be buried in the churchyard and to repeal the law which compels the acceptance of the services of the Church and of the ministrations of a clergyman. This is tantamount to silent burial—burial without religious consolation at the very time when it is most acceptable to mourning relatives. This is so repugnant to the feelings of the majority of Dissenters that I think we may dismiss it without further consideration. In what I propose is there anything unknown in any other parts of the world? In the United States this grievance is absolutely non-existent. Interment is perfectly free and every one is unfettered. I know it may be said that in the United States there is no Established Church, and I admit the force of

that qualification as far as it goes. I have been at some pains to inquire as to the practice of different countries of Europe, and in some instances I have been anticipated in my inquiries by some of my right rev. Friends. I begin with France—a great Catholic Country. Every one knows Père la Chaise, Montmartre, and other of the beautiful large cemeteries of Paris, and of the large French towns. These are all open to every person and every rite. The graveyards in the small towns and in the country districts of France belong to the Church; but from an ancient custom, confirmed by a law passed just before the great Revolution, there is always a portion unconsecrated, though in the same enclosure. These portions are free to the clergy and to the rites of all persuasions;—so that the grievance of which English Nonconformists complain does not exist in France. Many probably read not very long ago the account of the burial of M. Guizot, a Protestant among Protestants. The funeral was attended by many of the most brilliant intellects in France, and was performed in his own parish churchyard, belonging to the Catholics, where members of his household and family had been buried before him. In Austria no religious community can refuse a decent burial in their own graveyard to the remains of any person having belonged to a different Creed, except (1) in the case of a family vault, or (2) if the religious persuasion to which the deceased belonged has a cemetery in the district. This law has been confirmed by innumerable decisions. Where Protestants have to be buried in Catholic cemeteries the Protestant clergy are allowed to perform their own rites and to preach. In Hungary the remains of Catholics and non-Catholics can be interred indiscriminately in the same graveyard;—but, generally, each persuasion has its own cemetery. In Italy the burial-grounds are the property of the communes. No one can be buried outside them without the authority of the Prefect or the Minister of the Interior. They are perfectly neutral as to religious Creeds. Every one can be buried with the service which he or his belongings desire; and in the case of those who wish that no religious service should be required, all that is necessary is that nothing shall be done to disturb public order. In Italy it may

be said that toleration is complete both during life and after death.

But your Lordships may say these are all Roman Catholic countries; we are not to be bound by them. Then, my Lords, I go to Turkey. The Patriarch of Constantinople has enjoined on all his Metropolitans that when an Anglican dies, where there is no cemetery of his own, he may be buried in the Greek burial-ground, either by his own clergyman or by the Greek priest. The law of England refuses permission to a Greek priest to perform the service. In Russia, an Empire to which we have not been accustomed to look for models of religious toleration, what is the law? There is no unconsecrated ground, excepting small patches which have been set apart for those who have committed suicide. But a dissident from the Greek Church is admitted to be buried in the orthodox burial-grounds, the rites being performed by his own clergyman, the Greek priest not being allowed to interfere, although he may be present. Then I go to the great Protestant country of Germany—that country which, it is said, has shown on the side of Protestantism some intolerance of late years. What is the rule there? Every member of the community, of whatever religious belief, has a right to be buried in the burial-ground of the parishes and local boards. In the burial-grounds belonging to different denominations burial cannot be refused to those of other persuasions. In Silesia, since 1750, and in Moravia, unlimited reciprocity is maintained as regards ecclesiastical functionaries and their respective services. In Westphalia, the stronghold of Roman Catholicism, no religious community can refuse burial with religious rights according to the religious belief of the deceased, and with the assistance of his clergyman. Then to go to our Colonies. I have made particular inquiries upon this point, and I have not heard of any exception. But it might be said,—we are here, in England, and the examples of foreign countries can have no bearing on the course we ought to pursue in this country. To this he could only reply by recalling an anecdote told him by the late Prince Talleyrand as to what had occurred to a foreign gentleman when he was a prisoner on board a British man-of-war. At table an officer said he agreed with Dr. Johnson that all

foreigners are fools; to which the foreign gentleman retorted—"You are quite right—I agree that all Englishmen are men of sense; but then I am not so dogmatic as you, for I admit there may possibly be exceptions." Though I do not think your Lordships will adopt either the view of the foreigner or of the captain, yet you may say—"We decline to change our laws in deference to the example of foreigners." Well, then, I will only say that there is not a single grievance of this sort in the whole colonial possessions of the Queen, spread as they are over every part of the globe. What, then, is the state of Scotland on this question? I wish to render a tribute to my Scotch friends, but I never heard that Scotchmen were favourable to the Roman Catholic religion—I never heard they were unduly enamoured of episcopal and prelatic government; but the churchyards of Scotland are open to all ministers and to all rites. It may, perhaps, be said that the churchyards belong to the heritors. I believe they do not in any sense differ from that in which the church belongs to them, and in that sense the heritors are trustees. That does not affect the argument at all. Then it may be said that the Established Church of Scotland has no ceremony in the churchyard. I am told that the practice in that respect is very much changing, and that they are in the habit of performing an important part of the ceremony in the churchyard. And if that be the case—if it be the habit and custom of the Established Church of Scotland to perform part of the ceremony in the churchyard—how much more liberal must it be that they should admit Roman Catholics and Episcopalians in full canonicals to perform their ceremonies in the churchyard too? Then I come, my Lords, to Ireland. I believe the law at present is that with regard to Roman Catholics on the one hand and Protestants on the other, that they have their own clergymen to perform the ceremony in the churchyard. During the Conservative Administration of 1868 a Bill giving effect to this principle was brought in and carried in the House of Commons, being utterly unopposed except by some private Members; and I believe its success has been complete. The Dissenters might have said that

their cemeteries were their own private property, and that therefore no one else had anything to do with them, and that they would admit only those that shared their views; but the fact is that the cemeteries of the Nonconformist are open to the whole world. So that, as I have shown, the churchyards of America, of Europe, of France, of the whole civilized world, of Scotland, of England, and of Dissenting bodies generally in this country, with the single exception, perhaps, of the Quakers, are open. It matters very little whether the Quakers make out a good case for themselves or not. They are not a very numerous sect, though one of the most respectable from their virtues; but the Government will certainly not make out a very strong case if the only precedent they can adduce to justify the course they mean to adopt be that of the Quakers. Our practice, then, is contrary to the practice of nearly the whole civilized world.

Since I gave Notice of this Motion I have received a large number of letters from clergymen of the Established Church, of which a larger proportion than I expected approve of the course I recommend, stating what relief it would be to their consciences if any change were made. There are others, I am bound to say, of a directly opposite character. I have received one particularly within the last few days, in which a clergyman warned me that the consequence of carrying my Motion would be a disruption and disestablishment of the Church. About half a century ago a witty definition of that word "disestablishment" was given. It was said to be a word used for the protection of all the bad parts of the Establishment, founded on the opinion that those who aimed at reforming the bad parts had in view the subversion of the good. All I have to say, my Lords, is that if I thought my Resolution would tend to the disestablishment of the Church I would not have put it on your Paper, and certainly I would not have been here to advocate it. Not that I think an Establishment good for every country. I do not think, for instance, that an Establishment even of the Roman Catholic Church would be good for Ireland. But even if I were a Nonconformist, I own I think the Established Church of this country has to so large a

degree its roots going so far into the very soil of our institutions, that it would require very grave and careful consideration before I should consent to put a hand to upset it. I believe not only that the Church is more efficient and its funds better administered than they were, but I have no doubt the lay members of the Church are much more willing to contribute of their wealth to her support than they have ever been before. I believe also that there is greater activity in the Church than at any former time. I believe, though, as regards the internal affairs of the Church, there may be some great dangers, that she is secure with regard to rivalry and enmity outside. There is one respect in which I believe she has gained immensely in strength—by that genuine Conservative feeling which has operated those enormous changes and improvements both in civil and religious liberty which have been carried out during the last 40 years, by the abolition of abuses similar to that to which I have called your Lordships' attention, and of grievances whether civil or religious. But do your Lordships believe that if absolute freedom were given to Convocation the Tests Acts would have been repealed long since? The clergy as a body were against their abolition; they were against the abolition of church rates. But now, though I believe it is possible a small minority of the clergy might be found in favour of re-imposing church rates, not half-a-dozen would be found who would re-impose those restrictions on Dissenters which were felt to be so great a grievance.

My Lords, my voice is nearly failing me, and I fear your Lordships are wearied. In conclusion, I do commend my Resolution most respectfully to your Lordships' consideration. I have already shown that its object is not dangerous, that there are complete precedents, running on four legs, in its favour. If I may be allowed, I would now use the words applied by Lord Liverpool's Government, in passing an Act almost exactly of the same principle. I would say—I recommend this Resolution to you as a Charter of Toleration; as a direct declaration that every man in the community, whatever his religious opinions may be, should have a right to be interred with the rites of his own persuasion.

Earl Granville

Moved to resolve—

"That it is desirable that the law relating to the burial of the dead in England should be amended,

"(1) By giving facilities for the interment of deceased persons without the use of the burial service of the Church of England in churchyards in which they have a right of interment, if the relatives or friends having the charge of their funerals shall so desire;

"(2) By enabling the relatives or friends having charge of the funeral of any deceased person to conduct such funeral in any churchyard in which the deceased had a right of interment with such Christian and orderly religious observances as to them may seem fit."—(*The Earl Granville.*)

THE DUKE OF RICHMOND AND GORDON: My Lords, it is not often that I find myself in the position of being able to agree with my noble Friend who has just sat down (*Earl Granville*), but on this occasion I entirely concur with him in the observation with which he introduced this subject—that there is a difficulty in discussing Resolutions on a subject like the present, in consequence of the danger which sometimes attaches to such discussions, of making use of expressions and arguments which may be distasteful and offensive to others of our fellow-subjects—an idea which would be the last to enter my mind, and which I should deprecate in the strongest and most decided manner. I hope, therefore, in any observations which I may have the honour to address to your Lordships, I shall be able to abstain from anything which in any way might bear that character. But, my Lords, in advancing the arguments which I shall find necessary to meet those of my noble Friend, I shall not flinch from the position in which I find myself, at the same time that I shall endeavour to state my case in a calm and temperate manner. My Lords, I was somewhat struck at the commencement of my noble Friend's address—it was so obvious that he saw the weak points of his case—when he applied himself at once to answer what he must have very well known would be the line of argument I was likely to take—namely, that of deprecating his bringing forward this subject by way of Resolution, and not in the shape of a Bill. I think if my noble Friend had devoted that portion of the Easter Recess which he has evidently given to getting up those facts and interesting anecdotes with which your Lordships have been

instructed, and, if I may be permitted to say so, amused—if he had devoted that time to throwing his views into the shape of a Bill, he would have afforded us a more practical mode of dealing with the question than he has done on this occasion. When I see the Resolution which my noble Friend has put forward, I cannot help thinking that he must have attempted to deal with this subject first by way of a Bill, and that having found that method so difficult and so made up of details he gave up the attempt to put his view into that form, and fell back on the course which he has now adopted—that of a Resolution. It is perfectly true that an hon. Gentleman in the other House did bring forward his views on this subject in the shape of a Resolution; but it must not be forgotten that that was not until the Forms of the House of Commons prevented him from having the question satisfactorily discussed in the shape of a Bill. The noble Earl (*Earl Granville*) says he has on various occasions seen legislation promoted by Resolutions. That is true—no doubt good results have followed from legislation based upon Resolutions—but that happens only when the subject is a new one; and this certainly cannot come under that category. If my noble Friend had embodied his views in a Bill, then we should have seen what safeguards he would give and how he proposed to deal in detail with the various circumstances which must arise. We have been favoured with the views of one of your Lordships (*Earl Grey*) on this subject in the shape of a Bill; but as this Bill is not down for second reading, and the noble Lord has intimated that it is not his intention to press it, I do not intend to go into the details of the measure. But as the Bill has been read a first time, I must say that a more extraordinary mode of settling the question in a satisfactory manner I have never seen. What the noble Lord proposes is to set up Burial Boards in every parish in the Kingdom; and the only person who is not to be a member of those Boards—whether as regards churchyards which have existed for centuries in connection with the parish church, or others which have been recently given to the parishes—is the clergyman of the parish. I almost thought that the noble Earl had forgotten the existence of the clergyman;

but on looking a little further I found the noble Earl had recognized one right as still belonging to the clergyman—that of depasturing the churchyard. Certainly I cannot subscribe to the views of the noble Earl as expressed in the Bill; and if my noble Friend (Earl Granville) had submitted his views in a similar form, I fear I could have subscribed as little to them. Addressing myself now to the substance of the other remarks of the noble Earl—my noble Friend alleges that a grievance attaches to certain persons in this country—that is, to persons who have a right to be buried in the churchyard; this grievance being that they must be buried according to the services of the Church of England, and that those services must be read by a minister of the Church. My noble Friend proposes, by the Resolution he has placed before your Lordships, to remedy this grievance in two ways. First, he proposes that facilities should be given for interments without the use of the Church Burial Service; and, secondly, he proposes to substitute for the use of the Liturgy “such Christian and orderly religious observances” as to the relatives or friends may seem meet. I will deal first with the alleged grievance, and then with the proposed substitute. As to the alleged grievance, my impression is that it is not generally felt throughout the country. I believe that the feeling is not widespread even among the Nonconformists themselves. I believe it is limited very greatly in its effect, and, moreover, that in nearly all the large towns throughout the country the grievance cannot be felt, because there are cemeteries in which the members of the various religious Bodies may be interred with their own form of religious service. Then as to this being a wide-spread grievance, I have here an account from various places throughout the country showing the number of burials in consecrated ground and those in unconsecrated ground. I find that at Bagilt, in Wales, the burials in the consecrated ground were 244, and in the unconsecrated ground 73. At Birkenhead the burials in the consecrated ground were more than 6 to 1—namely, 1,598 against 265. In Cheltenham there were 6,512 burials in consecrated, and 897 in unconsecrated ground, or $7\frac{1}{2}$ to 1. In Chester the burials in consecrated ground were

12,200, and in unconsecrated ground 1,220. At Hillingdon the numbers were 1,043 to 54, or more than 19 to 1. At Masborough they were 435 against 45; at Welshpool, 332 against 38; while the vicar of Barnard Castle does not give the exact number, but writes—

“If I were to say that the interments in the church ground with the Church services were three to one, I should be under the mark.”

And I might cite many other cases. Large numbers of Nonconformists throughout the country are therefore buried in consecrated ground and with the services of the Church at their own request. I will give one more case, and it is a remarkable one. It is that of the churchyard of Aldecar, in the parish of Heanor, Derbyshire, with a population of 4,830, composed chiefly of the workpeople of the Butterley Mining Company, and including a very large proportion of Dissenters. The church was built and a churchyard consecrated in 1870. The churchyard consists of two portions—the one consecrated and the other unconsecrated, divided by a low coping of stone, scarcely visible above the ground. The Dissenters there have invariably preferred to bury their friends in the consecrated ground, although there can be no sentiment about “resting with their forefathers.” I think, then, I am justified in saying that the grievance among the Dissenters is not so widespread as my noble Friend suggests. If felt at all, it should be felt in the agricultural parts of the country; but in such districts it prevails, if at all, to no large extent. My noble Friend rather took exception to the statement that the grievance is one of recent date, and quoted some book, which I have not had the opportunity of looking into, to show that the grievance went so far back as 60 years. Now, I doubt very much whether the subject was thought to be so great a grievance as to occupy the attention of Parliament so long ago. I believe, on the contrary, that the statement that this is a grievance of recent date is perfectly correct, and that it is only within the last 30 or 35 years that any such grievance has been mentioned or brought before the attention of Parliament. When, too, the grievance began to be felt, there arose at about the same time the means of remedying it. The Act of 1852 enabled cemeteries to be set up in various parts of the country. My

noble Friend admitted that a large and influential body—the Wesleyans—do not feel the same objection as other Nonconformists feel to the services of the Church and to burial in the churchyard.

EARL GRANVILLE was understood to dissent.

THE DUKE OF RICHMOND AND GORDON: My noble Friend did not make many admissions, but I thought he said that the grievance was not felt by the Wesleyans as by other Nonconformist Bodies. However, I pass by that point. It certainly cannot be denied that the increase of cemeteries throughout the country has largely diminished any grievance. Up to 1866 the number of cemeteries established was 413. Between 1866 and 1875, 235 were opened, and during 1875-6 36 more—making a total of 684. Since 1852 about 2,000 churchyards have been closed, and by a Return made to the other House, out of 6,800 parishes, the Nonconformists had burial places in 2,230, or 1 in every 3 parishes. So long, therefore, as cemeteries are opened in this ratio—and I wish they were opened with still greater rapidity—a remedy is being afforded, and the grievance is to that extent diminished. Out of 22,000,000 people in this country, it is estimated that there are about 14,000,000 who are not subject to the grievance; so that there is a residue of only 8,000,000 who are subject to it. ["Hear, hear!"] Yes, but all these 8,000,000 persons are not really affected. A large number are members of the Established Church; a considerable number Nonconformists who do not feel aggrieved by the present state of the law; and the residue for whom this remedy is claimed is very small indeed. Moreover, without attributing anything wrong to my noble Friend, or feeling surprised at his bringing forward this subject, I do think that this grievance is more of a political than of a theological character, and I repeat that it is one which is diminishing. What has been the result of the discussions in the House of Commons on this subject in the last few years? I find that in 1870 the majority in favour of the view entertained by my noble Friend was 111; in 1871 it was 62; in 1872 it was 71, and in 1873 it was 63. Therefore, even in the Parliament which was favoured by having at the head of affairs in the House of Commons the Friends of

the noble Earl, there was a gradually diminishing majority in favour of his view. Well, that Parliament was dissolved and a new one elected. In the new Parliament the majority against the Bill in 1875 was only 14; but in 1876 there was a majority against the Resolution brought forward in the other House of 33; but there was the remarkable fact that on this question, affecting as it does only England and Wales, the majority of English Members was between 80 and 100. Therefore you have the Representatives of that part of the country which is more especially connected with this question rejecting the proposal by a large majority, which was to a certain extent reduced by the Members from Ireland and Scotland. Therefore, I say that this is a diminishing grievance to which the other House of Parliament has attached less importance as years have gone by. My noble Friend next proceeded to state the remedy he would propose for such a state of things. I cannot but think, my Lords, that his two Resolutions, taken as a whole, are much more extreme and much more violent than the necessity of the case—even if he had proved his case—would warrant. The first Resolution provides for what is called a "silent burial;" and if the noble Earl had stopped with that Resolution, he would only have stopped with the same description of idea which has been embodied in one measure which has been passed by your Lordships—namely, the Bill brought in I think by my noble Friend the Lord Steward some four or five years ago, providing for silent Burial. If the noble Earl had contented himself with suggesting the remedy to be that of silent burial, I do not imagine your Lordships would have been unwilling now to deal with that subject as you have done on former occasions. But the noble Earl (Earl Granville) said he rather thought that silent burial was an insult to those on whom it was imposed. I may remark, however, that funerals are conducted in silence in the Established Church of Scotland. My noble Friend has referred to the usages of foreign countries in regard to burials; but I decline to follow him into that subject, because I do not think we can draw any right conclusion by comparing this country with France, Austria, Hungary, or Italy. I understood my noble Friend to say that in

France one part of the churchyards was consecrated and another part unconsecrated; and, if so, they of course partake rather of the nature of cemeteries than of churchyards. I do not think that the examples of Austria and Italy are at all to the point. In regard to the silent burial, my noble Friend is not satisfied with his first Resolution—and I think he is perfectly wise, because he knows it would not satisfy those whose case he has taken in hand. Knowing that he cannot maintain his first Resolution alone, my noble Friend adds the second Resolution—and I must say that a more rude invasion of the sacred precincts of the churchyard than he contemplates I have never been called upon to consider. My noble Friend proposes that in the churchyard in which the Liturgy of our Church—one probably of the most beautiful services ever penned—has been used for generations, and to which no one can listen without such feelings as it is almost impossible to describe, the following proceedings shall be held. He proposes to enable “the relatives or friends having charge of the funeral of any deceased person to conduct such funeral in any churchyard in which the deceased had a right of interment with such Christian and orderly religious observances as to them may seem fit.” He does not confine it to ministers of religion, but he proposes that any person, be he layman, minister, or priest, whether of the Established Church of England, of a Nonconformist Body, or of the Roman Catholic Church, or whether he believes in no Church at all, should have the right to go into the Established churchyards of the country and perform what observances he pleases at the request of the relatives and friends of the deceased. It is true they must be Christian and orderly religious observances, but who is to decide that—especially when the services are extempore? How does he know what use might be made of such a concession? Moreover, there are some persons whose views are of the freest and wildest character—I will not insult and shock your Lordships by reading from the book I hold in my hand a form of prayer recommended to be used at the grave of a deceased person. I suppose the noble Lord is aware that the clergyman is responsible for maintaining order in the churchyard; but how can he be held

responsible if he is wholly ignorant of what occurs? My noble Friend went on to touch on Scotland and Ireland. As to Scotland, what fell from him was, in my opinion, very fair; but then the cases of Scotland and England are by no means alike. In Scotland the heritors are bound to provide the burial-grounds, while in England there is no such obligation; and the two countries, therefore, are not in this respect on all fours. But my noble Friend says that Episcopalians and Roman Catholics can be buried in the churchyards in Scotland. That is true; but the difference between Episcopalians and Roman Catholics in Scotland, with a prescribed form of service, and the persons whom he proposes to admit into the churchyards of the Established Church in this country, with any service they may think proper, is very considerable. My noble Friend also quoted the case of Ireland in the time of Lord Liverpool and Lord Plunket, and then he came down to the year 1868. When he mentioned that year, and the Act of Parliament which was then passed, I confess he made me shudder, because I recollect that the year 1868 was the year which preceded the disestablishment of the Irish Church. Well, what did the Act of 1868 do?—because that is a very important matter. It said that it should be lawful for the priest or minister of the religious denomination to which a person about to be buried might belong to read such prayers and perform such service as was customary in the case of persons belonging to that denomination. The Act of 1868, therefore, provided certain safeguards, and I should like to know to which of the two classes of churchyards which we have in this country the Resolution of the noble Earl applies? Is it to the very old and long-established churchyards which are already nearly full—in which case the remedy which he proposes would be of very limited application—or to those churchyards which have been given in recent years by persons who belong to the Established Church in this country, who have assigned pieces of ground to be used in connection with the Established Church, and with the full knowledge of the law as to burials, in the parishes in which they gave that land? To them the noble Earl comes forward and says—“You, as earnest supporters of your

Church, have given this land for its benefit, because you believe your Church requires it; but I insist that any person, whether Nonconformist or Free-thinker, shall be at liberty to go into the churchyard thus established, and perform services there such as he may think fit, although you gave the land for a very different purpose." If that be the noble Earl's proposal, I can only say, with my view of the rights of property, that it simply amounts to a confiscation of that property. Is it fair that the National Church in this country should be the only Church that cannot prescribe the rules and regulations which are to prevail in the conduct of the services in her churchyards? My noble Friend talked a good deal about wounding the feelings and running counter to the conscientious scruples of our Nonconformist brethren; and I am sure I should be very sorry to say anything which would wound their feelings; but then the Nonconformists are not the only persons whose feelings are concerned in this matter. It is, I may add, a somewhat remarkable fact that during the discussions with regard to church rates, this grievance as to the Burial Service was very seldom, if ever, put forward; and I do not think it is open to those who were clamorous for the abolition of church rates to turn round now after objecting to pay for keeping up our churchyards and claim to have the benefit of them. Now, another objection which I have to the proposal of the noble Earl is, that it seems to me to be a direct step towards the disestablishment of the Church. I believe that the separation of Church and State would be a great calamity, for I look upon the Established Church as one of the greatest blessings this country possesses. I gathered from what fell from my noble Friend that he also is proud of the Established Church; but I am afraid he will find that those whom he so ably represents on this occasion are not such friends of that Establishment as he is himself. I am afraid they would not at all be satisfied with—to speak in legal phrase—a verdict permitting silent burial. They, I fancy, want a much larger and more comprehensive verdict, and one which, in my opinion, would, if given, lead to disestablishment. I find that, at a General Conference of Nonconformists held at Manchester on

the 28rd of January, 1872, the following resolution was passed:—

"That, in reference to the Burial Service, this Conference claims equal rights for all citizens in the national or parochial church and burial grounds; and, while just regard is to be had to existing vested interests, this Conference protests against any exclusive privileges being accorded to any section of the community in the interment of the dead."

That is a very honest declaration, and that is what the Resolution implies—that the national or parochial burial grounds shall be vested in anybody or everybody. The noble Earl may say 1872 is a long time ago; but I will come down to the present time. I find the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), who is exceedingly honest, as every one knowing his character would expect, when speaking at Carlisle, declaring as follows:—

"We must have this scandal removed at all hazards. Well, but I will be honest. I do not say let us get rid of this and the Church will be stronger. No; I admit fully—let me be honest about it—that if you let the Nonconformist into the churchyard, it is only a step towards letting him into the Church."

That is the opinion of my noble Friend's clients. They say, We are not satisfied with merely permission to perform services in the churchyard; we want the Church, and we shall not be satisfied until we get it. Again, I find not a fortnight ago—on the 3rd instant—at the meeting of the Liberation Society, the Mayor of Birmingham, Mr. Joseph Chamberlain, in the chair, Dr. Landels, who is well known in connection with this question, made the following statements:—

"Let me say, finally, in spite of Government and in spite of clergy, we will carry our Burials Bill, which is the next thing we have in hand, and, that done, we shall be a step nearer the ultimate goal. There will not be much between us and the citadel then. Having taken possession of all the outworks, the fortress itself will soon fall into our hands; for we do not conceal the fact that this is our final aim, and that we cannot rest satisfied until that aim has been realized. Our clerical friends, in arguing against the Burials Bill, tell us, with refreshing simplicity, that if we got into the churchyards, we shall want to get into the churches next. What charming innocents they must be to put it thus! I think if by getting into the churches they mean that we shall demand to have national property employed for national purposes, and not reserved for the exclusive use of a sect, why, then, of course, we mean to get into the churches; and, what is more, if our right to the churches be as good as our right to the

churchyards, we shall succeed in gaining what we demand."

If that is not disestablishment, I do not know what the English language means. Though my noble Friend says that he does not mean to carry it to that extent, those whom he represents are clearly not of that opinion. He will not be able to stop there, for they will not be satisfied with anything short of the church. I am not here to deny that there is a grievance, but I say it is a very small grievance, and I say it is daily and hourly getting less; for, as you increase the cemeteries and the churchyards, so you diminish that grievance to the smallest possible quantity. The subject is one which has engaged the attention of Her Majesty's Government, and we desire to approach it totally unfettered, which we say we shall not be able to do if the Resolution of the noble Earl is passed. If the first Resolution only was proposed I should not feel myself justified in opposing it, as your Lordships have already agreed to something of the same kind; therefore the course I propose to adopt with regard to the first Resolution would be to move the Previous Question. If the second Resolution should come under the consideration of your Lordships I should feel myself bound to meet it with a direct negative, because I believe it to be impracticable and unjust, and offensive to the great body of the members of the Established Church of this country.

EARL GRANVILLE pointed out that his Resolution was one Resolution, containing two sub-sections, not two Resolutions.

THE DUKE OF RICHMOND AND GORDON: I certainly view it as forming two Resolutions. If it is to be put as one Resolution, then I shall meet it with a direct negative.

THE LORD CHANCELLOR: My Lords, it is always in the power of your Lordships to require a Question to be put in such a shape that your Lordships will not be obliged to give at one and the same time an opinion upon two separate propositions. When I read the proposal of the noble Earl it occurred to me that the noble Earl had worded the propositions in a way to enable them to be put separately. If the noble Earl were to require that they should be put as one Resolution it is in your Lordships' power, at the instance of any

Member of the House, to order that the two propositions should be put separately.

LORD SELBORNE thought the course for those who wished the propositions to be separated to pursue was, to move the omission of the words in the second clause of the Resolution.

THE ARCHBISHOP OF CANTERBURY: My Lords, I suppose the question of Order will be settled when we come to divide the House. It appears to me, even if the noble Earl (Earl Granville) had not appealed so distinctly as he did to the right rev. Bench to express their opinions on this question, that it would have been our undoubted duty to do so. I have never shrunk from expressing my own opinion on this question elsewhere, and I am not disposed to hesitate to express my opinion in this House. I am bound, however, to consider not only abstract Resolutions in reference to a matter of this kind, but also what is the best possible mode of settling a very difficult and a very intricate question. I feel not at all ungrateful to the noble Earl for having brought this subject before the House, even if he had not brought it forward in that very temperate speech which I think your Lordships must allow, avoided every irritating topic which has been introduced into the discussion elsewhere. I trust that the speech which the noble Earl has made and the answer which the noble Duke has given to it have advanced this intricate question somewhat towards a solution. I certainly agree with those who think that the sooner it is settled, provided it is settled well, the better for the Church of England and the better for the religious welfare of the nation. Nothing can be more undesirable than that a question of this kind, which touches men in the tenderest point and which is likely to stir up many heart-burnings, should be trifled with; and I hope and trust Her Majesty's Government will not only seriously consider this question, as the noble Duke tells us they are doing—and I suppose it is almost impossible for any one to have observed the indications of public opinion for some time without seriously considering it—but that they will seriously consider it with a view to its solution. I should have been better pleased if the noble Duke had been able to announce this evening that he was prepared with a Bill

The Duke of Richmond and Gordon

to settle this question. I am not without hope that, if the Government do not introduce a Bill this Session, they will at least consider the matter carefully during the Recess, and next Session bring in a distinct measure; for I do think it is the duty of the Government to propose some measure. It is totally impossible for the Bishops to propose such a measure; and I am sure no good citizen would desire that such a measure should be introduced except under circumstances favourable to its speedy passage through Parliament. Repeating my earnest desire that the Government will apply themselves to the settlement of this question, I proceed to consider this abstract Resolution. I agree with the noble Duke (the Duke of Richmond), that if we pass it we shall not be much nearer the settlement of this question than we are at present. I agree that there are practical difficulties which it becomes those who would deal with this question to grapple with. It is all very well to propose that the question be settled—which is pretty nearly all that the noble Earl does; but we want something more than an abstract declaration that it is desirable it should be settled—we want to understand the best way of settling it; and I do not think the Resolution suggests definitely and distinctly how the practical difficulties which beset the question are to be dealt with. My noble Friend at the Table (Earl Grey) has applied his experience in proposing a settlement; and I agree with the noble Duke that his attempt is only an illustration of the difficulty which surrounds the settlement of the question. If the noble Earl, with all his experience, can find no better way of settling it than to declare that a Burial Board shall be established in every parish in England, and that the one man to be excluded from it is to be the clergyman of the parish, that is a proof that the question is difficult indeed. It is a difficult question to settle who ought to be the custodian of the churchyard; at present it is the minister and the churchwardens—and I need not remind you how much this country owes to its clergy, many of them self-denying men, living on meagre pittance, and devoting themselves, under disadvantages and privations, to the work of education and to the other duties of their sacred calling—your Lordships know how much respect is due to

them; and I think that a proposal which would deprive them of the custody of their own churchyards—knowing the care they have taken in guarding them and keeping them worthy of their sacred purpose—and transfer the custody to Burial Boards is one hardly likely to meet with acceptance. I do not say the clergy are to decide this question; but I do say their feelings are to be respected, and that even our own private opinions must be modified by knowing the strong feelings which animate the minds of the clergy. The question has gone beyond the range of logic and has got into the region of feeling on both sides, and if we are to pay great attention to the feelings of those who suffer from this grievance—and who are by no means so many as might at first sight be supposed—I think we must consider the feelings of the clergy, which are greatly agitated on this question. The fact is, they are unwilling to assent to any great change unless they see what it is to be. They are in a state of apprehension as to any change, lest before they are aware of what is being done some principle shall have been admitted which is fatal to the principle of the Established Church, to which they are deeply attached; and therefore I think they have a right to call upon your Lordships, not merely to pass general abstract Resolutions, but to tell them what it is your desire to do; and when they have the whole case before them I feel confident the clergy will not be behind others in endeavouring to give what is just and fair to their Dissenting brethren, and also in attempting to settle a very difficult question, the keeping open of which appears to me, by its irritating influence, to be most dangerous to the Established Church. Your Lordships have a right to know the opinion of the right rev. Bench, individually and collectively, as to what, under difficult circumstances, they think ought to be done in this matter. I reserve to myself the full right of maintaining and acting upon my own opinions, which in this matter, as I have elsewhere stated, go somewhat beyond perhaps the majority of my right rev. Brethren, and certainly the majority of the clergy; but it is not my private opinion you desire to be acquainted with. We must be very careful of the opinions of others who are deeply interested before we proceed to act upon

our own opinions. With regard to the opinions of the clergy generally, I do not know how far they are to be considered as represented by Convocation. In the two Houses of the Province of which I have the honour to be President, opinion is at present in a somewhat unformed state. Various resolutions have been proposed; but the matter has not been so discussed as to bring out any distinct practical solution, and certain resolutions which have been passed by one House have not as yet been approved by the other. The Convocation of York has passed a certain resolution with tolerable unanimity, about which perhaps something may be said by my most rev. Brother. With regard to the opinions of the right rev. Bench, we have approached this subject with the most earnest desire to see it settled if possible in a conciliatory spirit. As I have said, we do not propose—I think we should be unwise if we did—to bring in a Bill; we desire that that should be done by the responsible Advisers of the Crown; we are anxious that no time should be lost in the bringing forward of such a measure; and all we can do is to contribute our quota to the solution of the question when it comes before us. One thing is plain—you must settle with very great tenderness who under any new system is to be the custodian of the proposed new burial-grounds. No doubt the result of any change in this matter must be the extension of new burial-grounds, and you must, with great tenderness and great care, and great regard for the public good, and also for the feelings of the clergy and laity of a district, settle distinctly who is to have the administration and management of them. Another question which your Lordships will have to address yourselves to is the hardship which the present burial law imposes upon the clergyman by requiring him to read the solemn and comforting words of the service over persons who may have died, say, in the commission of some flagrant crime. The words of hope can scarcely be read over such a person without harm to the survivors, by leading them to suppose that the crime in the commission of which the man died was morally not a matter of any importance. How are you to remove from the clergy, and also from the laity, that great stum-

bling-block which is so often found to weigh on the conscience of the clergy when they are called upon to read the Burial Service in scandalous cases? Certainly I feel confident of this—that you will not, while allowing Dissenting ministers to read the service over the choice members of their congregations, encourage them to send to the clergyman of the parish every one who is a disgrace to their community, that he may be gathered peaceably to rest, as if he belonged to the fold of the Established Church. That is a mere matter of common sense. I think I may say both Houses of Convocation are anxious that facilities should be given for extending the burial-places in our parishes. Wherever it is impossible to find sufficient ground for those whose friends are desirous that they should be buried—in the churchyard, of course—there would be an addition to the churchyard. This is a sanitary question in some of its aspects. Wherever the health of the community appears to require it, there must be an addition to the churchyard. But, even where it is not, it will be well, I think, to apply ourselves to the extension of the churchyard; the noble Earl (Earl Granville) has told us how this is done in France; and the very instance to which he alluded is a distinct proof that the difficulty of settling this question by means of the extension of burial-grounds is not so great as at first sight may appear. I remember the case to which the noble Earl alluded. When I endeavoured to ascertain what was the practice in other countries, the intelligence I received from the French Ambassador, with his usual courtesy, was something of this kind—that in the large towns of France there was no difficulty, because there were there cemeteries such as we have in England. Père La Chaise, for example, was but a large cemetery, like any of those by which we are surrounded in London. In all the great towns of France there was no difficulty; in other large towns, I was informed, the difficulty was, as in Paris, avoided by the erection of cemeteries; but I inferred from what I heard that in parish churchyards in the country the difficulty still existed. A rev. friend of mine told me he had attended the funeral of M. Guizot at his residence. The funeral was solemnized in the parish churchyard; the minister of the Protestant church to

which M. Guizot belonged performed the ceremony in the parish churchyard, the Roman Catholic priest looking on from the window of his house. The solution I presume is obvious: There was an addition to the churchyard which is unconsecrated, and in that unconsecrated part the rites of the Protestant Church were performed. Therefore, if the noble Duke follows in the path to which I understood him to point, and unconsecrated ground be added to the various churchyards, we shall be very much in the same position as the rural parts of France, and certainly the difficulty at present felt will be greatly diminished. But I wish to state that the Bishops of the Province of Canterbury, by a large majority of 10 to 5, have also, as I understand, arrived at two other conclusions—which I merely throw out here as they may, perhaps, help us in arriving at a solution of the practical difficulties of this question. I believe I am right in saying that it is the wish of the Bishops that the restriction which at present exists to use the whole of the Service of the Church of England shall, in certain cases, be relaxed, and that another Service more likely to approve itself to the Dissenting members of the community shall be drawn up; and, being drawn up, shall be used where the friends wishing it have any objection to the regular Service of the Church of England. Up to this point they have not gone further than saying that such Service shall be used by the clergyman of the parish. There are various classes of persons who may be supposed to be aggrieved by the law in this matter. There are those persons who die without having received baptism, through the visitation of God before baptism could be administered to them. The parents of these children often feel it a sad discouragement in their grief that they are unable to commit their children to the grave with any form of prayer or any distinctly uttered words of hope. I am sure that the Bishops are right in the decision at which they have arrived—that for such cases a service ought to be provided which shall breathe to the hearts of parents the comforts which they are entitled to derive from the Gospel. Therefore, in all those cases we should propose that some religious service shall be used, which the law seems at present to forbid. Now, if we

have got so far as this and have provided such a service for unbaptized children of our own communion, we next remark that there are many persons who belong to that denomination of Christians who think that baptism ought to be delayed till the years of maturity. I cannot doubt that in many places where the Church of England is not strong there are great numbers of Baptist families, the young members of which—many of them Sunday-school teachers, the most precious members of their particular communion, who die while preparing for baptism but not having received it, and are entitled to be committed to the grave with the same words of hope and the same promises of the Gospel with the children of parents who are members of our own communion, and who have died unbaptized; and I fully believe it will be a great solace in many a solitary parish—in Wales, for example, where the Baptist community principally exists—that there shall be no longer the committing of these persons to the grave with a silent service. Besides, there are, we know, other persons who are unwilling to receive baptism. The Quakers are a body who may, perhaps, be left to take care of themselves; but to all such persons it might be a consolation that such words should be applied as those in the service to which I have alluded. There is another body of Nonconformists—and I suppose they are the only body who are distinctly represented in this House—of whose grievances in this matter we have heard very little; but they are not the less entitled to consideration on that account. I refer to the large body of Roman Catholics in this country, who have certainly a grievance in this matter. You have parish vaults used from generation to generation by the old families to which they belong. But still more we have to consider the case of hundreds and thousands of Irish labourers, who are in a position more difficult than any dissenting body in this country; for if conscientious, they must repudiate the services of our clergy. I do not think there is any ordinary Dissenter who thinks that the clergyman of the Church of England is intruding into an office he has no right to assume, or that our services are more or less a sacrilege: but I do think that the Roman Catholic labourer who is well trained by his priests must consider it a

desecration to have a service read over his nearest and dearest by a man whom he considers an intruder into the sacred office. Therefore, as the law stands it presses more severely upon the Roman Catholic than anyone else—we obtrude upon him the service of a Church which he repudiates: and I think, therefore, you are entitled to ask that there shall be some consideration for his case, and that the law shall be altered so as to enable Roman Catholics to receive Christian burial without having the Service of the Church of England forced upon them. But when I am telling of the law as it is, I am aware that it is much more easy to make laws than to have them observed. There are right rev. Brethren of mine here to-night who have had charge of burial-grounds in London in which great numbers of those Roman Catholic labourers have been buried, and I am sorry to say many of them have had to connive at the breaking of the law. Therefore, as regards Roman Catholics, it is right that there should be some alteration of the law. Now, from the few cases which I have mentioned, your Lordships will see that this is by no means the simple question which the Resolution of my noble Friend implies. The Bishops have also thought that they might proceed a step further—whether the clergy will be disposed to agree with them I cannot say. I am aware that what I am going to say may be turned to ridicule, but I think it ought not to be so treated. Your Lordships, I dare say, when travelling in Wales, and I also when travelling in the wilds of Cumberland, have seen this—a funeral procession moving among the mountains, and the sound of the hymn which the mourners offered up echoing among the valleys and hills—then the whole stopping because the mourners had come to the sacred ground and they could only enter it in silence. At the entrance there was an end of the natural expression of feeling with which the mourners had accompanied their friend to his last home. My Lords, this has suggested an idea which I merely throw down for the consideration of Her Majesty's Government—in that deep consideration which they assure us they are giving to this question—that it is possible we may come to an agreement. If we are not able to have the Liturgy owing to our

differences in this country, at least there is something like the Liturgy in which Churchmen and Dissenters are greatly united. I hold in my hand a book of hymns of great value. It is the compilation of my noble Friend whom I see opposite (Lord Selborne). I come to the index of these hymns and I find the name of Isaac Watts as the author of 40 that have been selected. I go further, and find the name of Philip Doddridge as the author of many more; and then I come to a portion of the book in which the noble Lord has collected hymns that are suitable for burial of the dead. I find there the name of Bishop Heber, and of Henry Hart Milman; again the name of Isaac Watts and Philip Doddridge. Added to the names of these, there is also that of Williams. Then there is a poet of whom I cannot say whether he was a Nonconformist or not, but I know he was born a Moravian—James Montgomery. Now, if it be the case that in collecting those hymns appropriate for singing at the burials of the dead, one of the most attached members of the Church of England finds some of those hymns in the works of Nonconformists, I think he could scarcely—certainly I could not find it in my heart to—say—"You may sing those hymns up to the entrance to our burial-grounds, but there you must be silent. You may not sing them over the grave." I throw this out as a suggestion. I think it amounts to this—it shows that we are desirous of settling this question in a kindly manner. My Lords, it is said that it would be an insult to require that the burial service of those persons should not be all conducted in the burial-ground. But it is not the custom with any community in this country to have the funeral service entirely over the grave. There is no community of any kind which I know that has it. Our Church has a large portion of its service within the church. I hold in my hand the Wesleyan book mentioned by the noble Earl. It is the Church of England Service and nothing else—a very great indication that the differences which separate us one from another are not so great as some persons for Party purposes would have us believe. This Wesleyan book is divided into two parts. The greater part is to be read—I do not know where, but I suppose in the chapel, and a very small portion over the grave. Roman

Catholics, as I know, do not usually have any distinct service at the grave; they bury their dead in silence, having celebrated a devout religious service in their own chapel. And as no one would propose to make them depart so far from their general practice as to celebrate mass in the churchyards of the Church of England places of worship, and as we are not proposing that all these communities should depart from their practice of commencing their religious service elsewhere than in graveyards, they may be satisfied with some devout offering up of hymns, such as the Bishops in Convocation have suggested. My Lords, I am confident we have only to set our minds gravely to the determined purpose of settling this question and we shall be able to settle it. It is ridiculous to suppose that a question which has been settled in every country in the civilized world, as far as I know, except Spain—which has been settled even in the dominions of His Imperial Majesty the Sultan—cannot be settled in this intelligent and tolerant country, if men have no other desire than simply to come to a satisfactory settlement. My Lords, it is said you will not settle this question in a way satisfactory to the Liberation Society. I do not suppose you will. I am not at all certain that one of the most unfortunate things that could happen to that Body would be the settlement of this question in a moderate and candid manner. I am not sure that it would not be more satisfactory to hon. Members who are the great advocates of the Dissenting claims in “another place” to be able to make speeches upon the existing grievance. But what I want to do is to put an end to anything like a real grievance, though it affects only a few persons. I am anxious that we should see as soon as possible who it is who wishes to disestablish the Church of England and who it is who wishes to maintain it. I am anxious to detach from the movement for disestablishment the agitation which is kept up on this question, and we can so detach it by taking the question fairly in hand. I do not believe that the great Nonconformist bodies in this country are very much in earnest about making more of a grievance of this subject than it really amounts to. I am sorry that some of them have taken a new view of the great and solemn responsibility of the

State for the social, moral, and religious welfare of the community, and I hope they will learn to return more to the teachings of the fathers of the Nonconformist Body on this subject. I am certain that those among them who in former times have secured the rights which their descendants now enjoy have not done so by declamatory speeches carefully prepared for the platform, in order that they might excite agitation against the Established Church. They succeeded rather because, like Lardner and Watts, they were men of great learning, or like others whom we may remember in our own day they roused the mind and conscience by their great eloquence. The days are passed, perhaps, when any man now living can call to mind the influence of Robert Hall, and even those who heard Edward Irving are now few and far between. He was, indeed, reared in an Established Church, but his position and influence were those of a Nonconformist. Such men, I say, secured the rights of their fellows, not by raising paltry questions as to how many words should be used in a graveyard, or in contending with the clergy of the Church of England. They held their own by their learning, by their eloquence, by their knowledge of the Scriptures, by the influence which they gained over men's hearts. In like manner, I do trust that the better feeling of the Nonconformists will be roused, and that the higher and nobler elements in these bodies will detach themselves from these petty squabbles, and not endeavour by means of them to injure a Church which, if they only knew their own interests well, they would see to be the great bulwark between them and other dangerous systems—the great help towards making this a truly religious country—religious in the highest sense, because uniting religion with moderation and reason.

THE ARCHBISHOP OF YORK: My Lords, as I am obliged to leave London to-night for my diocese, and therefore cannot record my vote, I beg to address you in a few words, although the most rev. Prelate has just spoken from this Bench. I think it is greatly to be regretted that this subject should now be discussed out-of-doors with an amount of heat and passion unknown in former years. After the passages quoted by the noble Duke (the Duke of Richmond) it is not difficult to understand why it is

that the clergy feel so strongly and deeply upon this matter. They regard it, because they are called on so to regard it, as a question of establishment or disestablishment. I am not able, however, to look upon the question as one involving this issue, and I desire very much to separate the question from that of disestablishment. We shall fight the battle against disestablishment on very bad ground if we have to fight it by the side of the grave. Questions about burials, tomb-stones, and inscriptions often excite strong feeling; and that feeling is always on the side of the suffering friends, because the natural instinct of most people is not to interfere with their sorrow, and to let them have their own way. I say I do not regard this as a question involving disestablishment at all. There is a great difference between entrance to the churchyard and entrance to the church. A man is by no means obliged to go into the church, but is quite certain to find his way into the churchyard; and that alone makes a great distinction between the two cases. I have alluded to the state of opinion during the present year; but I should like to take a little wider survey in order to see whether it has been admitted by others that a grievance really exists. Now, in the debate upon the Bill of the Lord Steward in 1871, I find there was an admission, by the late Bishop Wilberforce—than whom there has never been a readier advocate of the rights of the clergy—and by others, that there was a grievance which the Bill was intended to rectify; and though great objections were felt to the Bill, it was referred to a Select Committee, and only failed, I think, to pass through its further stages on account of the want of time. Thus the remedy failed, but the admissions of a grievance remain on record. We may go further. I hold in my hand the Report on this subject of the Committee of the Lower House of the Convocation of Canterbury for the present year. It is true the Committee decline to recommend any change in the law of burial other than that agreed to by the Lower House of Convocation in 1871; but the Report contains several important recommendations. If, it says, any measure is necessary, the Committee are of opinion—

“Firstly.—That ample security should be taken for the maintenance of decency and order.

“Secondly.—That, for this purpose, only legally authorized services should be used.

“Thirdly.—That the service, as aforesaid, should be conducted only by some person appointed by the legal representatives of the deceased, but never at the same time as any other public service in the church or churchyard.

“Fourthly.—That the new law should not apply to the churchyards of those parishes or districts for which a public burial-ground has been provided by a Burial Board, containing an unconsecrated as well as a consecrated portion; nor to the consecrated portion of such ground.

“Fifthly.—That the new law should not apply to the members of any religious body in any parish in which there is a chapel with a sufficient burial-ground licensed, or otherwise legally secured for the use of the members of such religious body.

“Sixthly.—That such new law should not apply to any burial-ground which had been or should hereafter be provided solely by private benefaction.”

Here is a complete scheme for a Bill if one must be passed, though the Committee decline to recommend one, prepared by this Committee of Convocation during the present year. Why do they make such recommendations? It must be because of their belief that a grievance of some kind exists; for if there was no such belief they would naturally look to your Lordships to reject a measure which they regard as a wanton encroachment upon the rights and privileges of the National Church. In 1871 the resolutions referred to in this Report were passed, and it was then recommended that the existing Burial Acts should be applied to all parishes where it was expedient that new or additional burial-grounds should be provided; that Services other than those of the Church of England should be provided only when the incumbent received notice in writing; and, lastly, that one or more parishes should have the power of providing burial-grounds. Considering the natural state of feeling among the clergy on this subject, these are considerable concessions. At the same time, they give us this lesson—that it is not desirable to proceed by Resolution, and that it would be much better to have a Bill. It has been already said—and will be echoed, I am sure, by all my right rev. Brethren—that it is not the duty of the Bishops to propose a measure in a matter of great national importance, and that it is to the Government we must look to submit some measure which shall deal effectually with the question. Speaking for myself, I

The Archbishop of York

am obliged to come to the conclusion—first, that a grievance has been proved to exist, and that as long as it exists it will be in the nature of a hidden sore, which will do considerable injury to the work of the Church; and, in the next place, that this grievance must be redressed with due regard to the rights of all concerned, and especially to those of the clergy. For example, the Public Worship Regulation Act has expressly rendered the clergy liable for every service held in the churchyard. In this and in other points the position of the clergy would have to be considered. But I agree that it is possible to devise some measure which shall give relief to the Nonconformists, and at the same time preserve the rights of the clergy in the churches and in the churchyards, imposing upon them no greater burden than they have at present. I feel the great difficulty of the question, and feel also that it is expedient to deal with it by Bill rather than by a general Resolution. Should such a Bill be presented to your Lordships early next Session, I am sure that, however much we may differ as to details, we shall unite in giving it anxious consideration, with a view to a permanent and efficient measure on this question.

THE EARL OF KIMBERLEY thought the speech of the most rev. Primate must have increased the desire of Her Majesty's Government to give to this question the most serious and real consideration. It must be obvious that neither the noble Earl (Earl Granville) nor those who acted with him approached this question with any view either of provoking a religious controversy or of making political capital. What he and everyone desired was to find a solution of a difficulty which it was urgent should not be longer allowed to continue unsettled. The noble Duke (the Duke of Richmond), in his endeavour to minimize the grievance, rather understated it. He seemed to think that this grievance did not exist 60 years ago; but, at all events, it had existed for a whole generation.

THE DUKE OF RICHMOND AND GORDON explained that he said that, although the grievance might have existed 60 years ago, we had not heard about it till within the last 25 or 30 years.

THE EARL OF KIMBERLEY said, we had, at all events, heard about it quite

long enough. And he wished to remind their Lordships that conclusive proof had been given that a grievance existed, and it was a grievance that could not be measured exactly by numbers—the feeling of bitterness which actuated the few in these matters extended itself to all who held similar theological views. When he was at the Foreign Office several unpleasant cases in regard to burials arose between Her Majesty's Government and that of Spain; we felt aggrieved because certain of our countrymen who were Protestants were denied burial in their own churchyards in Spain with any funeral rites at the time the body was laid in the grave. Surely it was perfectly natural that Nonconformists should feel aggrieved under similar circumstances? The noble Duke had referred to the Bill of which he (the Earl of Kimberley) had charge in 1868, and which entirely put an end to the grievance in Ireland. It was true, as had been stated, that that Bill allowed the funeral service to be performed by a Catholic priest or a Dissenting minister at the grave; but the noble Duke did not add that he was prepared to go the length of the Bill of 1868. That measure had now been in operation for eight years, and he had not heard that any of the difficulties had arisen which were anticipated by some at the time it passed. If that Act were so adverse to the Irish Church Establishment as it had been stated to be this evening, why did not the noble Duke and his Colleagues oppose it? The fact, however, was that that Act had not the slightest connection with the disestablishment of the Irish Church. The most rev. Primate seemed to exaggerate the difficulties which were likely to occur in settling this question. There was nothing more easy in a matter of this kind than to conjure up all kinds of dreadful occurrences which would follow an alteration of the law—but which were never destined to be realized. There were between 600 and 700 cemeteries in towns in this country, but he had not heard that any indecorous or irreligious scenes had occurred in them, and in country parishes the danger was likely to be less. It seemed to him that the general feeling of the population on this subject was such that the risk we ran was incalculably small. The most natural course, in his opinion, would be to leave the churchyard in the custody

of the clergyman and the churchwardens as at present, and to leave it to the ordinary police of the country to see that no disorder took place. The most rev. Primate had spoken of the strong feeling of the clergy with reference to the churchyards. No doubt that feeling ought to be fairly considered; but, at the same time, it should be borne in mind that this burials question was especially one for the laity. His noble Friend (Earl Granville) had been found fault with for introducing this matter in the shape of a Resolution; but many matters had within his own experience been settled by Resolution, and this Resolution, if carried, would be an indication to the Government of the course which Parliament desired to pursue. The clergy were specially represented in that House, and any expression of opinion coming from them would carry great weight;—but, whatever were the results of the Resolution, the speeches of the Primate and of the most rev. Prelate could not fail to produce great effect both there and elsewhere. He felt confident that every man on that side of the House who voted for the Resolution would do so not because he regarded it in the slightest degree as a blow to the Church of England, but for exactly the opposite reason. This was one of those small irritating sores which if allowed to continue resulted in great injury, and might, if not removed, become a stepping-stone to the disestablishment of the Church itself. While he believed the Church continued to retain as strongly as ever her hold on the affections of the people of this country, and that a large part of the Nonconformists had no wish to pull her down, he felt that nothing would be more likely to expedite a union between them and those who took a contrary view than that a system should be kept up which was a continual wound to their feelings. For those reasons he should cordially support the Resolution of his noble Friend.

THE BISHOP OF LINCOLN: My Lords, there is no one, I believe, in your Lordships' House, and I am sure there is no one on this Episcopal Bench, who is not desirous of redressing all real grievances, especially of any of our Nonconformist fellow Christians. You have given practical evidence of this truth. Not long ago it was alleged as a grievance by some of our dissenting brethren,

that, inasmuch as the churchyards of the country are not national property, but belong to a particular religious communion—the Church of England, from which they are separated, and from which they derive no benefit—they should be required by law to contribute to their maintenance. Therefore, although church rates were not a tax upon persons, but on property, and although Nonconformists are freely admitted to burial in our churchyards, you thought fit to remove this alleged grievance by passing the Act for the abolition of Compulsory Church Rates. I venture to think, my Lords, that it is hardly consistent with reason and equity that any Nonconformists should now come forward and allege that the churchyards are national property; and should claim, not only burial therein, which is freely conceded, but should also demand that their own ministers should be admitted on equal terms with the clergy of the Church of England to officiate therein. Again, my Lords, all who are acquainted with Nonconformist literature are aware that many Dissenters allege that the consecration of a burial place is an idle form and superstitious ceremony; and in deference to that allegation your Lordships have passed the Burials Acts which require that a certain portion of every public cemetery should be left unconsecrated. It seems to be somewhat at variance with that repugnance to consecration, that some should now plead that it is a great hardship on Nonconformity that it should not be allowed to enter into partnership with the Church in all the consecrated churchyards of the country, and perform its own religious services therein. But, let this pass. The question of grievances is one, like many others, on which there are two sides; and justice and wisdom require that we should hear both. Petitions to Parliament enable us in some measure to do so. In analyzing the Petitions on this subject which were presented to the other House of the Legislature in the present year, up to April 6th last, we find that there were only about 18 Petitions in favour of the change proposed in the noble Earl's Resolutions, and there were about 1,800 Petitions against it. Now, my Lords, the question is, Are we to redress the grievance of those who have signed the 18 Petitions, and thus to inflict the

The Earl of Kimberley

grievance deprecated by those who have signed the 1,800? Would this be a prudent and equitable course? And, my Lords, even if we were to redress it, I very much fear that there is another grievance behind, which would next have to be removed, and that is no other than the alleged grievance of the existence of the Church of England as a national establishment of religion. My Lords, the noble Earl opposite has appealed to the case of the Church of Ireland, and has referred to the Burial Acts passed for that country, and has invited your Lordships to imitate that precedent. In anticipation of that appeal I felt it my duty to inquire of the Primate of all Ireland, and of the Bishop of Derry, what had been the effect of those Irish Acts. The Primate writes thus—

“I do not think that either of the Irish Burial Acts of 1824 or of 1868 have been of the slightest use. They have had no healing effect, but, on the contrary, have stirred up strife, and hold out invitations to promote parochial quarrels. I have no doubt that the passing of an Act for England, such as the Burial Act for Ireland, would be a source of unceasing annoyance and dispute.”

His Grace the Primate has authorized me to make public this statement of his opinion. The Bishop of Derry writes in a similar tone, and expressed an opinion that Ireland is placed in more favourable circumstances than England for such an experiment—

“Inasmuch as in Ireland there are no Secularists who would declaim in churchyards against the resurrection of the body and the immortality of the soul.”

It is remarkable, my Lords, that the publication of this opinion of the Bishop of Derry, brought forward the President of the Secularist Society of Belfast, who proclaimed that he and his brother Secularists—

“Consider it the right of every individual to declare his honest conviction in matters of religion, even though it be at the open grave in a consecrated churchyard.”

The Resolutions now before your Lordships, if carried into effect, would enable anyone to hold any service which he deems to be “Christian, religious, and orderly,” in any of our churchyards. Some religionists—the Socinians—make it a part of their Christianity to deny the Divinity of Christ. These Resolutions would empower them to proclaim

that opinion there. Other religionists deny the resurrection of the body. They would be enabled by these Resolutions to preach against that doctrine over the graves of your departed friends. I hold in my hand a letter from the rector of Upchurch, near Sittingbourne, in the Diocese of Canterbury, and he authorizes me to make public use of it. He states that a religious sect, calling themselves “the Peculiar People,” who believe that they alone can be saved, took upon themselves, against his remonstrance, to hold a religious meeting at a funeral in his churchyard, and that this service consisted of a long succession of hymns mixed up with preaching of a violent kind, and he adds that it is their practice to combine preaching with multitudinous hymns in stentorian tones, and that they sometimes continue this service for hours. My Lords, if the present Resolutions are adopted, I fear that many of us might rue the adoption, especially they who happen to dwell in the neighbourhood of country churchyards, which, happily for us, at present, are scenes of solemn quietness and peace. My Lords, in the year 1874 you passed the “Public Worship Regulation Act,” one of the purposes of which was to restrain ritualistic and romanizing practices, not only in our Churches, but in our churchyards. And what will be the effect of your adopting the present Resolutions, which allow the use of any “religious, Christian, and orderly observances?”—such are the words of the Resolution—“as to the friends or relatives of the deceased may seem fit?” Why, my Lords, according to these Resolutions, you may have in every unclosed churchyard in England, not only ritualistic and romanizing practices, but you may have Romish masses for the dead, Romish prayers for the souls in purgatory, Romish requiems and dirges chanted, by priests attired in all the splendid vestments of the Romish hierarchy, with torches flaming, and censers swinging, and banners floating in the air. Are you prepared for such demonstrations as these? Would this be consistent with the legislation of two years ago? But I forbear. Only two points more. In the Parliamentary debates on this present question in “another place,” I was denounced by the Mover of the Resolution on Burials, as an intolerant bigot and fanatical enthusiast. My Lords, I plead guilty to the

charge, if, as was alleged by him, it be bigotry and intolerance to proclaim and hold fast the principle which has ever been enunciated by the greatest divines of the Church of England, such as Richard Hooker and Bishop Andrewes, that the Act of the consecration of a churchyard is a very solemn one, and that the essence of it consists in separating from common uses that which is consecrated, and in transferring it from man to God; and that as the Church is not the house of man, but the house of God, so the churchyard is not man's property, but His. It is "God's acre." And as He is not the Author of error and confusion, but of truth and peace, so it is not consistent with the fundamental principle of consecration to allow the quiet haven of the churchyard to be disturbed by the storms of polemical controversy, and to be agitated by the winds of false doctrine and religious division, and even of unbelief. My Lords, I entreat you to protect the quiet dormitories of the dead, and to defend their peaceful sanctity from such invasions as these. In the fourth century of the Christian era a great conflict arose in one of the noblest cities of Italy—the City of Milan. On one side was an Arian Emperor, Valentinian, and an Arian Empress, Justina; and on the other was one of the greatest Bishops of ancient Christendom, St. Ambrose. The Arian Emperor and Empress requested the Bishop of Milan, on the plea of Christian charity, to give up a share in the Churches of Milan for Arian preaching and Arian worship. Your Lordships may remember his answer—

"If you ask for my property, you may have it. If you demand my life, take it. But the Churches are not mine to give. I cannot surrender them. They belong to God, and are committed to me as a trustee to defend them—and I shall have to give an account hereafter how I have administered my trust."

So, my Lords, let me say now. I do not presume to speak in the name of any one else. I am not a mouthpiece or organ of the English Episcopate, but I deem it a duty to say publicly, while I am perfectly ready to concur in any reasonable measure for the redress of any proved grievance of any of our Nonconformist brethren—I am bound to declare unreservedly, at any cost, that you may deprive me of my Episcopal endowments, you may take from me my

Episcopal house, you may remove me from a place in this august Assembly; but I cannot, my Lords, surrender—for what seem to me to be wrong usethings which are not mine to give, and which I am solemnly pledged to defend, the churchyards and Churches which are committed to my care by the Great Head of the Church.

VISCOUNT MIDLETON said, he regretted that the question should have been brought before their Lordships in this shape, and that the noble Earl, instead of taking the opinion of the House upon a distinct proposition, should have confined himself to introducing an abstract Resolution. It was true that the hon. Member who had taken up the subject in the other House (Mr. Osborne Morgan) had proceeded by way of Resolution; but that was because the Forms of that House precluded the chance of his bringing forward any Bill this Session. That was not the case in their Lordships' House. It was competent for any Member of their Lordships' House—and especially so for the noble Earl who occupied so distinguished and pre-eminent a position in it—to have introduced a Bill. If it had been such a measure as that suggested by the noble Earl on the cross-benches (Earl Grey) it might have been read a first and second time, and then sent before a Select Committee. No doubt the question was one surrounded by many difficulties; but such a Committee would have had evidence upon all points from persons who were directly interested in the subject, and they would have had the assistance of the right rev. Bench in framing a working measure. He listened in vain to the eloquent speech of the noble Earl for any suggestion to meet the practical difficulties of the case. He believed the time had come when it had become absolutely necessary to deal with the question. There was, he feared, a hostile and uncompromising spirit at work among the Nonconformist and Dissenting communities, which induced them to reject every proposition that had hitherto been made—and he feared that they would refuse in like manner the present alternative of a silent burial, or a service in the churchyard by the minister of any recognized church; and he feared that, in some quarters at least, the demand for an open churchyard was the mere pretext for obtaining the full use

of what was sometimes called national property. He viewed with extreme apprehension the line taken by some of the leading spokesmen of the Nonconformists, and should desire to have their language definitely interpreted before accepting an abstract Resolution as an expression of their views. While he was ready to support any well-considered measure, framed with due regard to the public and personal interests concerned, he could not vote for such a vague, indistinct, and unpractical Resolution as that of the noble Earl, which, if agreed to, would not in the slightest degree advance the question towards a settlement.

EARL SPENCER believed, on the contrary, that the passing of this Resolution would greatly advance the question. It was not pretended that the passing a mere abstract Resolution could or would settle the question; because, under any circumstances, it must be followed by legislation; but it would be a stepping-stone in the direction of settlement. The more distinctly they recognized the grievances connected with the subject the more clearly, perhaps, would they see their way to the removal of them. He denied that the grievance was sentimental—it was a reality. The grievance was this—that Dissenters who had the right of interment in a parish churchyard must have the service of the Church of England, of which they might not approve, read by a clergyman with whom they might have no sympathy, and with whom they might have been in controversy. It was hard that at such a time mourners should be compelled to be unwilling listeners. It was said that the introduction of Dissenting ministers into the parish churchyards would tend to lower the position of the clergy; but he did not think any apprehension need be entertained on that ground. The clergy of the Church of England owed the position they held to the devotion they displayed to their duty and the care they took of the interests of the poor, more than to any legal position they held, and so long as they did their duty they need not fear the intrusion of Dissenters; but if they hoped to maintain their position by the mere letter of the law, there would be more danger of their losing it. Again, it was said that if they gave up the churchyard they would have to give up

the church as well. He could not see the logic of that argument. It was absolutely necessary that the dead should be buried, but there were other churches and chapels where Dissenters might perform their religious worship. Nor did he think there was any fear that the churchyards would become platforms for secularists, or that scenes would occur which would cause scandal to the church or neighbourhood. He thought the good feeling which existed in this country would prevent anything of the kind. No such scenes occurred in the cemeteries, and it was very unlikely that those who went to a churchyard to perform a religious ceremony and to give consolation to the bereaved would indulge in invectives against the Church or the clergy. The noble Duke said the grievance was one that was felt by very few; but he (Earl Spencer) believed that the number who felt aggrieved was very large. The grievance was particularly felt in the rural parts of England and in almost every parish of Wales. But if it prevailed much less extensively—if it were even confined to a single congregation—he thought it should at once be removed, if it could be removed without doing harm in any other direction. As to “surrendering the outworks” of the Church, the position of the Church was a strong one within itself, and it was not wise that it should be weakened by placing garrisons where there was no need of defence, and which must be surrendered whenever seriously attacked.

THE BISHOP OF LONDON said, that, on this question, there was a great deal of sentiment on the one side and the other, and their Lordships should be very careful that in relieving the grievances of one party they did not inflict an injury on the other. For himself, he did not know anything to shock his sense of right in allowing other kinds of services than those of the Church of England to be used in the churchyards. There was no doubt much to be said on both sides of the question; and he feared there was a tendency to exaggerate the advantage which the one side possessed and the disadvantage to which the other was subjected. The noble Earl who had just sat down (Earl Spencer) had insisted very strongly on the grievance felt by Dissenters in being obliged to listen to a service to which they objected. But

what evidence was there that the Church of England Service was so distasteful to Dissenters? Several years ago he endeavoured to procure information as to the services used in the unconsecrated parts of cemeteries about London, and he found, somewhat to his surprise, that the Burial Service of the Church of England was very largely used. So far from there being any widespread objection to the services of the Church of England, it appeared that in those very cemeteries which were created purposely for the relief of Dissenters, in a large number of cases—he would say the majority—that service was employed which the noble Earl had told the House was so distasteful to Dissenters. As to the right of Nonconformists, in one sense, no doubt, they had that right, in another sense, the right was greatly weakened by the abolition of compulsory church rates. By freeing themselves from the responsibility of maintaining churchyards, they had avowedly, if not legally, weakened their claim to the unrestricted use of them. He earnestly desired that this question should be settled, which, as long as it remained open, might be not only a weakness but a danger. He was thankful to hear that Her Majesty's Government had consented to take the question into their consideration, and to bring forward a measure which might afford a reasonable solution of the difficulty. He hoped that another year would not be allowed to pass without seeing this question settled.

LORD COLERIDGE: My Lords, I wish to say a very few words to explain the reasons which induce me to vote for the Resolution of the noble Earl (Earl Granville). I shall not attempt to deny that there is much force in the objection that it would be better to treat a subject of this kind by way of Bill than of Resolution. No doubt it is true that there would be an advantage in discussing a problem of this nature with reference to its practical difficulties as seen in the provisions of a Bill. Agreeing in the principles and assenting to all the arguments of the noble Earl who brought forward the Resolution, I am free to confess I should have preferred that this Resolution should have been embodied in a Bill: but having said that, I am bound to add that to object to vote for a Resolution on such a ground as this

would be, in me at least, in the highest degree impractical and unworthy. I speak only for myself, and do not pretend to lay down the law for any other noble Lord. Some men, no doubt, are anxious to avoid expressing an opinion on this subject, from motives which, if I do not share, I can respect; and from the mouths of such men such an objection as this is reasonable enough. But in itself I cannot think it is entitled to much weight. Let us consider the special circumstances of the case. We are now in the middle of May. Already Resolutions embodying substantially the Resolutions of the noble Earl have been rejected in the other House of Parliament. It is plain, therefore, that to introduce a Bill would be not one whit more practical than to proceed by Resolution. Everybody who debated it would feel that he was debating something which could not pass; and the debate would be just as merely a vehicle for expressing opinions as is the debate on these Resolutions. Yet, surely the time has arrived when it is fit that your Lordships' opinion on this question should be made known to the country. It is due to this House—it is due to many Members in it—that their opinions upon this most important and practical question should be placed on record. Therefore, agreeing in every respect with the noble Earl, agreeing that the present state of things is utterly indefensible—the present state of things, indeed, not having been defended in its integrity by any noble Lord; and the Resolutions before us seeming to me to lay down the true lines upon which any amendment of the law should proceed, I want no better reason for giving my vote in their favour.

I start with this position—It is the conceded, at all events, it is the unquestionable right of every Englishman as a parishoner to be buried in the churchyard of his parish church so long as he has no disqualifications imposed by law. Subject to these disqualifications, which do not affect the present question, this right is absolute and unqualified. It is true this right arose in other times; but it remains as certain, absolute, and unqualified as it was in the times when it first arose, though the relations of the Established Church to the nation have since been greatly and fundamentally altered. What follows from this pro-

position? First, that these Resolutions and any legislation founded upon them affect no secular right which the clergy can maintain. It is true only in a qualified and very limited sense, if it be true at all, that a clergyman has the freehold of a churchyard. His right of property in it, if any, is of the most limited kind, only such as the absolutely unqualified rights of the parishioners leave him to enjoy. He cannot prevent burials; he cannot—I speak broadly, not forgetting, but not staying to describe the various qualifications of my statement—he cannot prevent the erection of monuments upon the soil, nor the construction of vaults within it: it is not the business of the clergyman to fence the churchyard which, if it were his freehold, would be his business. That is the duty of the parishioners. He cannot, except for limited purposes, even cut down the trees which grow in the soil of it, and if it is shut up under recent Acts of Parliament, the law recognizes in him no claim for compensation. All these things show how qualified is his freehold; and they show that, whatever else these Resolutions affect, they will not affect in the smallest degree any right of property which the clergyman can claim.

If, then, my assertion be correct that the proposed legislation affects no right of secular property, does it affect any spiritual right which the clergyman can maintain? In my opinion, most clearly not. I do not, indeed, very accurately understand upon this question what is meant by a spiritual right being affected by law; to say the truth, I doubt if those who use this language have ever been at the pains to realize the exact meaning of the language they use, or to ascertain whether it has any meaning. Of course, I can understand the right to forbid a particular thing being done except with a special form of words and by a special person. But this is a secular and legal, not a spiritual right. Spiritual influence founded on spiritual right appeals to the mind and to the conscience, and is not a matter to be dealt with by law at all. It is not the creature of law, and law which cannot create it cannot destroy it. No such right is brought into question here. What is brought into question here is something very different. It is a claim to assert by the exercise of outward acts

a spiritual authority over minds and consciences which do not acknowledge it; and to maintain by human law an influence with which, as I have said, human law has nothing whatever to do. No clergy—Anglican, Roman, or Dissenting—have any right, by any law, human or Divine, to claim the allegiance of persons who reject their claims and repudiate their authority; and these Resolutions therefore interfere with no right which can be based upon reason or common sense.

I do not, indeed, deny that in former times there might be some fair ground for the claim which the clergy now put forward, when the country was entirely of one faith and there was substantially but one form of religion. Nay, I will admit that in later times when one form of religion was protected by penal statute, and when, as at the time of the Test Acts, all other forms of religion were in a very real and true sense prohibited by law, there might be some ground for the claim put forward. But this state of things has long since passed away. Now there is no religious bar between the holder of any form of Christian faith and the highest offices of the State: all the minor offices have been thrown open one by one, and now the holder of any form of Christian faith—except, perhaps, the oldest form of all—may sit upon the Woolsack, keep the conscience of the Queen, and preside over your Lordships' debates. When this is the state of things, I think it is no longer right—perhaps, indeed, it is no longer safe—to endeavour to maintain what becomes a mere wretched relic of antiquated persecution. ["Oh!"] I use the word persecution on purpose, for the present state of things is in many cases persecution. Make the case your own and see how you would like it. Suppose that any one of your Lordships lived in a foreign country, whether Catholic or not; that you lost some one who was dearer to you than your own life; and that you found that if he or she were to lie in consecrated ground they must be interred with the prayers of an ecclesiastic whose form of faith you believed to be utterly erroneous and mischievous, and against whose teaching your whole life had been one continued and consistent protest. If that were your case, you would be the very first to denounce that state of things; you

would be the very first to use your utmost energies to get rid of a grievance which yet some of your Lordships appear in England and in the case of the English Dissenters to deny to be any grievance at all. I am very sure that if the conditions of things were changed—if the churchyards were in the hands of Dissenters, and they themselves stood in the position in which Dissenters stand now—the feelings of some persons who discuss this question and deny that there is a grievance would undergo a marvellous change; their powers of discussing and appreciating a hardship would be marvellously quickened. I think that, if the case were his own, no man of high feeling or high spirit would rest for a moment until he had done his best to get the system altered. It is all very well for persons whose deepest and tenderest feelings are not touched by the law to say there is no grievance in the state of the law. If the case were their own, they would not say there was no grievance. If they did say so, they would not mean what they said, and if they did mean what they said, they would be objects—not of scorn, indeed, but of wonder and pity.

Furthermore, I own I think the time has come when it is right to teach a small minority of the clergy a lesson which they much need to learn. There are few of them, and they are separated from one another by large distances in the country; but still there are enough of them in the aggregate to create from time to time considerable scandal. I think they need to be taught that, like other persons in public situations, they are officers of the law and clothed with legal duties, and they must obey the law and perform those duties. They ought to be taught that we of the laity are not to be left in matters which touch our deepest and tenderest feelings to their—I had almost said their personal caprice, but I do not wish to use any word which can possibly give offence to any man. A man, for instance, may die by his own hand, and the legal authorities may find that he was insane; or a man may die whose life has been impure, or whose faith was eccentric or wavering. I am not now discussing what should be the rule of law in each or any of these cases; but I say that there should be some rule of law—a law easily and speedily enforceable, and enforceable with costs.

Lord Coleridge

If this be due to us of the laity, it is not less—perhaps it is still more—due to thousands of honest, pious, quiet men among the clergy. It has been said that this is a political agitation. In one sense it cannot be worth any man's while to deny that it is; but in the sense in which the words "political agitation" are used, I think they are entirely unfounded. It strains courtesy to hear men, who would be the first to agitate if the case were their own, deny to others that right of agitation which they would be the first, and rightly the first, to exercise themselves. That the motives of some of the men who conduct the agitation are mixed motives it would be worse than childish to deny. But what then? The same thing may be said of any agitation on any subject. What is the proper way to meet such an agitation as this? By doing justice. By generously conceding at once what is fair and reasonable. It has been said that this demand must be resisted, because if it were granted other demands would have to be conceded. Well, if they are just demands and are involved in what is now asked, they will have to be conceded; but if they are not just and are not involved in what is now asked, they will be refused when they are made. I have often heard it said that yielding in these matters was of no use, and that kindness and conciliation were entirely thrown away. I have heard it stated, as though it were a sort of discovery, and given out with a kind of oracular utterance, that gratitude is no motive power in English politics. I do not care to inquire whether this is a true account of the principles of the English people. I hope it is not true; but I know that in every country, whether free or despotic, nothing is more dangerous than to resist just demands merely because you are able to resist them; to resist them when you know they will have to be granted; to resist them so that when the inevitable day of yielding comes, you will seem to have given way not to reason but to fear, turning what might have been the subject of a most useful peace into a subject of angry victory on one side and of sullen and humiliating defeat on the other. Your Lordships, at any rate, have the power to show the country that you are willing on this question to listen to the counsels of wisdom and of mode-

ration. You can show the country that you thoroughly appreciate the saying of a famous man of the last century that "magnanimity in politics is not seldom the truest wisdom," and as nobody doubts your power so I hope that by voting in favour of this Resolution you will show that you have not only the power, but the will.

EARL NELSON said, that if the noble Earl had submitted a Bill to this House after the defeat of the hon. Gentleman's Resolution in "another place," he would perhaps have done more to help forward the legislation he desired, than he certainly would by proposing a Resolution at this period of the Session. But even if these Resolutions were adopted, and a Bill based upon them passed into law, there would still remain the difficulty of carrying it into effect. As to the use of the word "right" in the second Resolution, he could understand that, as the burial of the dead was necessary for the sake of decency and on sanitary grounds, the people, whether Nonconformist or others, had a "right" to demand that there should be a place where their dead could be properly buried. It was, however, quite another thing to assert that the Dissenters had a "right" to the churchyards; and he maintained that that right, whatever it might be, had been very much interfered with by the abolition of church rates, for one of the grounds on which the Church had been tempted to give up that charge was that by doing so she would secure a more clear title to the churchyards. The right, he might add, such as it was, was never one which had been uncontrolled. It had been controlled partly for the sake of uniformity and partly for the sake of order; and he believed it would be found on inquiry that the limitation for the sake of order was essential, and that there could really be no order in our churchyards unless there was somebody who was responsible for the superintendence of the services. But however this might be, the members of the Church of England had rights, and were entitled to have them respected. He was one of those who did not for a moment deny the existence of a grievance in connection with the subject; but then, if there was a grievance, it had been, in his opinion, greatly exaggerated. Nevertheless, if it did exist, and could be removed without creating a

greater grievance in its stead, he should be one of the first to wish that it should be done away with. And when it was said that the Nonconformists disliked the Church, he would confidently appeal to the experience of many of their Lordships to say whether in the parishes in which they resided Nonconformists did not go in great numbers and by preference to the Services of the Church. There were remedies which might, if applied, tend towards the solution of the difficulty. One was the increase of churchyards, and another was the permission of silent burial. He denied that it entered into the heart of a Churchman to think that it was wrong that he should be buried beside a Nonconformist; what they did not think was proper was that their consecrated burial-grounds should be subject to forms of ceremony altogether alien to the Church of England. He trusted their Lordships would not impede a settlement of the question by passing the Resolution which had been submitted to the House.

THE BISHOP OF EXETER said that, as he stood very nearly alone on the Episcopal Bench in supporting the Resolution of the noble Earl the leader of the Opposition, he should not like to vote without explaining what were the reasons which induced him to favour the Resolution. He confessed he shared the feeling which had been expressed that it would have been much more satisfactory to discuss a Bill than a Resolution; but, at the same time, his reasons were not those which had been given. If a Bill had been proposed, perhaps their debate would have been much more confined, while at the same time it would have been easier on a Bill to go off on a side issue than on a Resolution. If the Resolution which had been submitted were defeated, there would at any rate be so large and important a minority as to make it quite plain to the country that the settlement of the question could be delayed no longer. It was of the greatest importance that there should, if possible, be no longer any delay in removing that which was unjust to Nonconformists and mischievous to the Church of England. It was unjust to the Nonconformists that they should be excluded from that which all natural and right feeling men would give them; it was mischievous to the Church of England that it should be put in the

attitude in which it now stood, refusing what all ordinary people would say ought to have been conceded some time ago. It was doing the Church of England great harm, for no greater mischief could be done her than to alienate the sympathies and affections of the great body of the people. There were not only political agitators to deal with—he should care little indeed if they were to remain unsatisfied to the end; but there were many religious people both among Nonconformists and among church-people who felt that in this matter we were treating Nonconformists with unkindness and injustice, and without a fair reason for doing so. Therefore, as a matter of justice and in the interests of the Church of England, he felt bound to vote for the Resolution.

THE MARQUESS OF SALISBURY: My Lords, much of this discussion has turned upon the judgment of the noble Earl (Earl Granville) in submitting his propositions in the form of a Resolution instead of a Bill. I confess that his doing so surprises me in no degree, because I can remember that during five years he was a Member of one of the most powerful Ministries of modern times, and never during that time could he formulate his ideas or muster courage to produce a Bill on this subject. From that, I conclude that the education of the noble Earl is not yet completed—the education of his Friends in this matter—their gradual accretion of ideas—has only got as far as a Resolution, and in a future Session no doubt they will bring in a Bill. I do not think they have brought forward this Resolution with any serious hopes of carrying it, because if they had they would have produced it at an earlier part of the year, when it would have fallen in with the movements of their allies in another place. I pass away from the question of form, which is not a matter of importance. The Resolution recognizes the difficulty of the question, and acknowledges the duty to undertake the labour of solving them. If we had to follow the line of the debate as it was commenced in the early part of the evening, the considerations which we should have to address ourselves to would be of a humble and prosaic character; but as the evening went on our feelings warmed and considerations of a genuine character were submitted. The noble

and learned Lord (Lord Chief Justice Coleridge) raised a question of absolute justice in regard to the Dissenters, and grounded all objections by simply replying it was just that we should make concessions. Upon this theme he poured out a flood of indignant invective and elevated sentiment, and I could not help thinking that dreams of earlier years were floating over his mind. Somebody had spoken of the verdict the House had to render, and I am afraid the phrase misled my noble and learned Friend—he interpreted it too literally; he could not help thinking of the verdicts he had won and the species of eloquence by which he had won them. This plea of justice is one difficult for me to understand. There is a right on the part of every parishioner to be buried in the churchyard—of course, if there is room. But it is a right which is never exercised simply—it has always been exercised subject to another incident, that the service of the Established Church of the country should be read over the grave. Now, am I to understand that it is the right of the parishioner to be buried, if his friends think fit, without a service, though that right has been dormant for a thousand years and has never been exercised? No lawyers will persuade me that a man can have a right which the laws of the country had never recognized and which for a thousand years has been illegal. If there is no right, where is the claim of justice? It is a claim to a right which has never been possessed, a privilege which has never been exercised; it is a claim that is absolutely new; which may be clothed with right when Parliament chooses; but which has never yet had the incident of justice attached to it. If then there is no right, I fail to see what claim there can be to justice. The dispute upon this question is complicated in this respect—that the matter upon which the controversy really turns is often that which is least discussed, and the matter which is most discussed and in regard to which the most remedies are offered is not the most vital. There is no real difficulty if men were so minded in accommodating the question of service; there could be no difficulty in framing a service which would meet any reasonable and non-doctrinal objections; the real difficulty is about the person by whom the service is to be read. That is the point which makes it difficult to

understand how the issue of pure justice can be raised. You may claim that the religious feelings of the man's relations shall not be irritated by a service with which they do not agree; but it is impossible to raise any plea in favour of a claim that the service shall be read by a person to whom the relations happen to be attached. I think it is in reference to the distinction between the person who performs the service and the service to be performed that the difficulty is to be got over by authorizing the use of hymns. I think some consideration may be paid to the suggestion of the most rev. Primate in reference to them. Of course hymns cannot be admitted in any degree of latitude, because doctrines might be introduced in a versified form; but there is this advantage, that it entirely gives the go-by to the question by whom the service is to be performed. I do not know that it is in that idea that any solution of the difficulty is to be found. But we have to deal with a very difficult question of expediency. You have two sets of grievance to balance. It is a question of feelings and sentiments; but you have two collections of feelings and sentiments opposed to each other, and it will be quite as grievous to affront the feelings on one side as on the other. You have the feelings of the clergy and those who go heartily with them in their respective parishes. They are undoubtedly more excited on this question than on any religious question which has been raised within our recollection, and we must consider whether those feelings are entirely unreasonable. I do not believe that this feeling of the clergy has arisen from any fear that their position will be jeopardized—it has arisen from a much more respectable source. You cannot persuade the clergy that by admitting those who are the teachers of other religions, a blow will not be given to the belief in doctrinal religion altogether. They cannot persuade themselves that it is an indifferent matter who is to perform this religious service in our churchyards which this Resolution says is to be limited to a "religious and orderly performance." Such a limitation can only be put into a Resolution and never into any clause of a Bill. The effort has occasionally been made, but the only way of defining a religion is by reference to the beliefs on which it depends. You

must have some test, some formula, some symbol of belief or you cannot define what Christianity is, and whether the person who is to perform the service included in the belief really deserves the title. Why is the service to be confined to Christians? Are Christians to only people who have feelings and consciences? Is it possible to exclude the Jew? Has he no teachers to whom he is attached? Is it possible to exclude the Unitarian? He often is very much attached to his teachers. The ladder which leads down from the Christian faith has innumerable rounds in it, and there is no sharp line to be drawn from the Christian faith till you reach the most absolute negation. And do not imagine that the professor of a negation has no service to perform, no forms to which he is attached, and that he would shrink from a desire to express them on suitable and unsuitable occasions. In Belgium it is one of the devices of free-thinkers to make Atheistic speeches by the graveside, and the same thing is done in France. I hold in my hand a burial service by Austin Holyoake, one of the first sentences of which is directed towards a repudiation of the doctrine of immortality. I may quote a single verse from a hymn—

"The parsons may preach and the fanatics rave
Of existence eternal beyond the dark grave.
Their heaven, they say, is far up above,
But mine is on earth, and I call it Love."

Why might not such a composition as this be sung in the churchyard? If you pass this Resolution giving ministers of religion who do not agree with the Established Church unrestricted access to the churchyard, you will wound the clergy in their most susceptible side, and will excite an animosity far more serious than that you are now attempting to remove. Now, my Lords, I say that this is a very wide and extended feeling which a wise statesman would be very cautious in exciting. What is the feeling on the other side? What is this question for the sake of which it is worth while to affront on this point feelings so deep as those of the clergy and their adherents? My Lords, this agitation would not exist if it did not please the Scotch and the Irish Members to come and teach us in England how to bury our dead. If England were governed according to English ideas, the majority of the House of Commons on the late division would have been 98 in opposition to the Bill. In other words,

the Bill would have taken rank with such projects as women's suffrage and never be heard of in serious debate. But, my Lords, the history of the agitation is another proof that this grievance is no serious grievance. The practice has been going on for nearly 200 years; but it was only when the arsenal of political agitation began to be exhausted that the grievance was devised and brought before the House of Commons. It was never heard of by the older generation of Dissenters. It was never heard of in the religious world; its history proves it to be of political generation. Another point for your Lordships' consideration is that this grievance, whether great or small, is undoubtedly confined by those parishes where there is no Dissenting burial-place, and where there is still room in the Church of England churchyard. And it is in process of constant diminution, and as the churchyards become full, and cemeteries are built, it must sooner or later disappear, because where the interments are in cemeteries the grievance cannot possibly exist. But suppose, instead of allowing this grievance, such as it is, to exist, you set up the other grievance—how far will it extend and how long will it last? If you affront the feelings of the clergy and their adherents, you will do it, not over a limited space, but all over the country, whether there be Dissenters in the place or not, or whether or not graveyards be attached to the chapels. You will force the clergy to admit into the churchyards men whose teaching they utterly disprove, and perhaps doctrines disseminated such as they utterly abhor. The noble Earl made very light of the agitation—he alluded to the former battles of the Church, and spoke of church rates and other contests as if all that was required was a little compulsion to overcome the objection to this proposal. He seemed to have taken the view of my noble and learned Friend the Lord Chief Justice that “we ought to teach the minority of the clergy a lesson which they very much needed to learn.” I thought the phrase so happy, and yet so unconscious, a betrayal of the real *animus* which actuates this movement that I ventured to take it down. But I would remind the noble Earl that this is a battle very different from the Church battles hitherto. Hitherto we always felt that

the worst could be repaired by the expenditure of money. No doubt, we thought that we had been treated on more than one occasion with harshness by Parliament; but still the evil could always be repaired if Churchmen chose to be liberal enough, and happily there was a sufficient number to furnish funds to undo the mischief which Parliament had done. But in this matter the change if made cannot be cured by money. Outside the Church the grievance is a mere matter of £50. If Dissenters obtain £50, they can find land enough to set this grievance aside. But that is not so with the clergy—this is an invasion of their rights and feelings that cannot be cured by money. But to leave these political dynamics—this balancing of one grievance against another—the question is how such a measure could affect the stability of the Established Church. The noble Earl says that that was a question often asked in times gone by when any change was proposed, and that the results showed there was no ground for alarm. But Churchmen have this justification now for assuming that this movement is directed against the Established Church, that those who originate it distinctly put that forward as their object. The noble Earl who made this Motion told us that he is an attached member of the Church; but it is always “attached members of the Church” who have led Dissenters to attack it. The history of the Liberal Party has been that its Leaders have been pushed forward by impetuous followers to do that which the Leaders themselves said they never would tolerate. Such, I am afraid, will be the case in the present instance. The noble Earl the late Lord Lieutenant of Ireland (Earl Spencer) at all events talked to-night about “outworks.” It was not we on this side of the House who talked about them; but I am quite willing to admit that in the outworks of a building, if gained, an enemy may find a dangerous cover, I am quite willing to give their due weight to the wise words which were spoken by the most rev. Primate the Archbishop of Canterbury this evening. It is no doubt well, as he said, to detach from a political agitation the elements of real grievance which attach to it, be they great or small and to meet and grapple it, not attempt to elude it. It is, however, everybody will admit, a delicate task when you have to

The Marquess of Salisbury

deal with feelings so easily excited and so bitter on either side. It is not a task to be solved by these vague and sensational Resolutions. I do not at all dispute that the responsibility lies on Her Majesty's Government of approaching a question which is generally admitted to be ripe at least for an attempt to deal with. I do not despair—I will not say of satisfying agitators with respect to it, for that is impossible, or even the noble Earl opposite, for that would be difficult—but, at all events, of allaying any real feelings of bitterness which may exist, and taking away any pretence for setting up a real grievance against the Church. It is our duty to address ourselves to this task. We shall do it with the earnest wish that we may be able to find a solution that will, at any rate, set at rest the most bitter and dangerous part of the controversy. But while we earnestly desire to respect every holy and pious feeling, and to do justice to a sentiment which, although we may think it erroneous, we cannot but reverence in our hearts—while we shall avoid doing injury to any just or natural susceptibilities—we shall remember that in dealing with such a question the first consideration which must always present itself to our minds is that we do nothing to injure even by a single hair's breadth the greatest and most beneficent of all our institutions—the Established Church of England.

LORD SELBORNE: The noble Duke opposite (the Duke of Richmond) in the course of his speech to-night, took occasion to refer to my noble Friend behind me as representing those Nonconformists who were hostile to the Established Church. Now, I have no reason to believe that my noble Friend represents any clients in this matter at all, nor anything but what he believes to be the general interest of the country; and I trust your Lordships will give me credit for having no such clients as those whose object it is to destroy the Established Church. My opinion as to the value of the Established Church of the country is the same as that of the noble Marquess (the Marquess of Salisbury):—and, in forming whatever conclusions I may have arrived at on this subject, I have been actuated at least as much by my view of the interests of the Church as by any other consideration. I am, I confess, one of those who for a long

time have felt reluctance to take part in the discussion of this question, and have watched the agitation of it with an anxiety, not free from pain; and I abstained when in the House of Commons from committing myself on the subject either by voice or vote. But during that period I could not but be sensible of the growing importance of the question, and that the time must inevitably come when it might be my duty not only to form a decided opinion upon it, but publicly to express that opinion. That time I believe now to have come, and I think my noble Friend near me (Earl Granville) has done good service to the Church by bringing the subject under your Lordships' consideration. The results of this debate are, in my judgment, not unfavourable to a settlement of the question, though I confess I should have rated its advantages higher before I heard the speech of the noble Marquess opposite. But who are those to whom the Church and the country will naturally look as the most authoritative and the best-informed exponents of the interests and duties of the Church in this matter? I cannot be wrong in saying that we should look in the first instance to the members of the right rev. Bench, several of whom have addressed your Lordships to-night. What has been the result of those expressions of opinion from the right rev. Bench? The most rev. Primate, though unable to support this Resolution, and while expressing an unwillingness to be bound by any abstract Resolution, yet distinctly stated opinions which go a long way in the direction of my noble Friend's Resolution. His Grace concedes fully and without reserve the first part of that Resolution, and partly also the concluding portion. And if I did not greatly misunderstand the most rev. Primate of the Northern Province his Grace expressed, even with more distinctness, a still closer approximation to the Resolution. Moreover, we have heard the right rev. Prelate who presides over the diocese of London unequivocally express his own opinion that the second part of the Resolution contains in it no practical danger, and that what that part of the Resolution proposes might be conceded without any violation of the principles of the Established Church. Another right rev. Prelate (the Bishop of Exeter) has

declared his intention of voting in favour of the Resolution. All the right rev. Prelates, unless the right rev. Prelate who presides over the diocese of Lincoln is an exception, unite in their testimony to the importance and urgency, in the interests of the Church, of an early settlement of this question. The utterances from the Ministerial bench, taken by themselves, and without the aid of these declarations from the right rev. Bench, would not have been quite so re-assuring to my mind. The noble Marquess (the Marquess of Salisbury), I must say, but for his concluding words, would have appeared to me to have made a speech directly and uncompromisingly against any settlement at all. Certainly the noble Duke (the Duke of Richmond) did not do this; but he pointed only to one mode of settlement, by the closing of the old churchyards and the acquisition of new burial grounds. He also endeavoured to impress on your Lordships that, after all, this was not so very urgent a question. On that point my opinion is directly contrary to that of the noble Duke. Every year this question seems to me to become more and more urgent, and the danger of postponing the settlement of it more real and more formidable. What is the nature of the grievance? It is true that in many rural parishes there is no active hostility to the Church. There may be much occasional Nonconformity, and, in some places, much preference for irregular over regular ministrations; but real alienation from the Church or its services there is in rural parishes little or none. With respect to the greater part of the agricultural districts I believe that to be a true description; and, in addition to this, in all parts of the country, the good feeling which generally prevails under the circumstances of death and the sorrows which accompany it have made it natural for people not to make the most of their religious differences at that time, or to take occasion to magnify their grievances at such a moment. But there are probably some parts of the country, particularly the manufacturing and mining districts and Wales, where the grievance is likely to be more practically felt; and its dimensions have everywhere an inevitable tendency to enlarge themselves under the

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influence of agitation, remembering what is the nature of the grievance. The nature of the grievance is, that whereas, in every other matter whatever, the law now gives full effect to the principle of religious liberty, not imposing upon any man the obligation to receive the services of the Church in any shape whatever, or for any purpose whatever, during his lifetime, and not opposing any obstacle to his performance of religious acts according to his own conscience, the single case of which the contrary may be said is this case of interment after death—a thing inevitable to every man. The Dissenting relatives of a Dissenter, having rights of interment in a parish churchyard, and having no legal rights of interment elsewhere, nor any other place of interment practically available, are not permitted by law to bury their dead with such religious observances as their own consciences dictate. When the grievance is thus stated no answer can be given. Here I must mention one thing—perhaps the only thing—which fell from the most rev. Primate (the Archbishop of Canterbury) with which I am unable to agree. He said that this question had passed from the region of logic into the region of feeling. My Lords, I quite admit that the region of feeling is very much concerned in this question; but, depend upon it, it has not passed out of the region of logic; and the irresistible case of those who have this grievance is, that the logic is all on their side, and at least great part of the feeling is on their side also. Is there any conceivable logical answer to the observation that, in these cases, you deny after death that religious liberty which in every other respect is given to the deceased, and his relatives, during the whole of their lives? You deny this liberty, in the present state of the law, in two ways—by refusing to them the liberty of being religious in their own way, and by imposing upon them the necessity of being religious in your way. If there ever was a complete case in point of logic, surely it is this. Whatever may be the feelings of the clergy—and I hope I shall be believed when I say there is no man in this House, not even on the Episcopal Bench, who respects those feelings more than I do—you may depend upon it that the common sentiment of

human nature will go with the logic in this case. The feelings of those who have no professional view of the matter—the feelings of the great majority of the laity—when it is brought home to them that there is this violation of the established principle of religious liberty in dealing with interments, will go more and more with those who complain of this grievance. I do not know whether those who make light of the grievance are aware of the admission of it, spontaneously made in an able letter, addressed to *The Times* last winter by an excellent clergyman, whose views differ from mine, and who, as one of the secretaries of the society formed for the purpose of opposing Mr. Osborne Morgan's Bill, has been active in organizing the Parliamentary majority, to which reference has been made. His words were, that—

"Those who do not conform to the Church of England have, at the present time, a real and definite grievance, which ought to be removed; that it is 'a real and substantial grievance;' that 'the Nonconformist and the unbeliever ought to be free, after death, to have whatever religious rites they have approved in their lifetime, or none, without hindrance or interference;' and that 'this matter requires only to be stated, for its truth to be universally felt.'"

There is, therefore, a real, and in my opinion a growing grievance; for the more it is spoken of in public, the more it is agitated, the more you resist, the better it will be understood in the country, and the more inclined will the country be towards a change of the law. And do you suppose that the continued agitation of such a question will not be mischievous—that many men, who have been hitherto moderate in their sectarianism, will not become more sectarian now—that Dissenters who before were willing to accept the services of the Church and to waive their differences at such a solemn time, will not, by a sense of the principle involved in such a controversy, be stirred up more and more to place themselves in an attitude of antagonism and alienation to the Church? Upon this subject we have independent testimony. The noble Duke referred to the history of this question in the House of Commons during late years, and to the diminished majorities one way, and, since 1873, the increased majorities in another way, as evidence that there was a diminishing

grievance. I should have thought that a majority in a Conservative House of Commons, in which the ordinary preponderance of the Government is at least 50—a majority of 14 in one Session and of 39 in the next Session—is not very strong evidence that even Conservative Members feel comfortable in following, under pressure, the lead of the Government on this question. I happen to have in my hand some very independent testimony on that subject. There is a noble Friend of mine who, in November last, was a Member of the House of Commons, from which, after 30 years' faithful service as the Conservative Representative of a rural and agricultural county, he has been promoted to a seat in your Lordships' House. I do not know how he will vote to-night; if with us, we shall welcome him to our ranks with great satisfaction. On the occasion of an agricultural meeting in the county which he then represented, he said—

"I will tell you something that happened. We had a debate on the Burials Bill this year in the House of Commons (that was in 1876). You know Mr. Disraeli's majority was over 80. Well, there was a strong whip made, and all the majority that could be obtained against the Burials Bill was 14. Now, allow me to tell you—all of you, and you who say No—you are a rattling Churchman—I heard a great many Conservative Members in that Lobby say distinctly, this is the last time we can give this vote. Well, all I ask of the clergy is this—I say to them there never was such an opportunity of coming forward and doing a graceful act—because, although I have seen the banner of 'No Surrender' often hoisted, I have frequently seen the edifice blown away altogether. That is my opinion. I see what is coming."

That noble Lord thought, that the removal of this grievance would be for the benefit and stability of the Church; and it seems to me to be quite obvious, that there must be a serious danger in the continuance of such a grievance, which is not denied, but admitted by the best-informed among those who defend the Church, without a proper settlement being found for it. And then the question is, on what terms can it be settled? There is no use in admitting a grievance and saying that it ought to be settled, unless you are willing to settle it on terms that will remove the practical grievance. My noble Friend (Earl Granville) has adopted the best possible form of asking you whether you agree with him as to the essential principles on which it should be settled. Noble

Lords opposite ought to be extremely obliged to my noble Friend for putting his Motion in the form of a Resolution instead of a Bill. It has given them almost the only argument they have brought forward—namely, that he has proceeded in the wrong way; and has relieved them from the necessity of saying whether they do or do not agree with the principles he has enunciated. I have myself come to the conclusion that this question cannot be settled on any other basis than that indicated by my noble Friend. I do not see how any settlement of this question is possible which does not satisfy the principles of this Resolution. The principles are clearly expressed, and it will be quite possible, we think, when the time comes—not to define what religion or Christianity is, but to put into a Bill sufficient safeguards for order and decency, and, while conceding nothing to any persons, who may desire to introduce forms or practices which do not profess to be Christian or religious, to leave it, as in all other cases, to the law to deal with those who transgress the law. But we must first find out on what principles we are to proceed. The question, therefore, would be greatly advanced by the adoption of this Resolution, if it is sound in principle. Consider how much is involved in the concession of the first part of this Resolution. The noble Marquess (the Marquess of Salisbury) has not said whether he would concede it. Whether the noble Marquess concedes it or not, it is conceded—conceded by a Bill which passed your Lordships' House some years ago, conceded by both Houses of Convocation, and by the Church Defence Institution. But some of those who make this concession limit it in one of two ways—they say that either there shall be silent burial only, or that there shall be an unconsecrated piece of ground for other than silent burials. Such a proposition as a compulsory silent burial cannot be a settlement of the question, because it will never be accepted. In reason it cannot be any settlement. It is a necessary corollary of the principle of religious liberty, that when you have got so far as to the point of dispensing with the services and the clergyman of the Church, you must permit people who bury their relatives in the churchyard to do it religiously if they think fit. I cannot understand how any

Churchman can take up the ground that such an act as the burial of the dead, unless done with the service of the Church, ought to be done irreligiously, or in a less rather than in a more religious way. As a Churchman, it appears to me, not only that religious liberty gives Nonconformists a right to be relieved from services to which they conscientiously object, but that the service of the Church is profaned and the Church wronged by forcing that service upon them. And, if it is not to be forced upon them, then I think it is contrary to the first principles on which the Church was founded to say to Nonconformists—"If you will not accept religion in our way, you shall, as far as we have power to compel you, do the thing that you wish to do religiously in a way which is not religious." How can consecrated ground be desecrated by any man's prayers? How can prayer or praise, though not offered in a form appointed by public authority, or by an authorized minister, be less consistent with consecration than silent burial? I cannot imagine how any one could fail to sympathize with the feelings expressed by the Archbishop of Canterbury when he described the funeral procession singing a hymn up to the gate of the churchyard, and ceasing there through the prohibition of the Church. I did not, however, understand how the most rev. Primate could himself fail to see, that the sentiment and the argument, which applied to the prohibition of hymns, equally applies to the prohibition of prayer. By the concession of silent burial everything is really conceded; because you would incur greater risks by prohibiting religious acts than you possibly can by permitting them. Compulsory silence may be more odious and offensive to those who do not wish to be silent than even the necessity of accepting the beautiful Service of the Church, which so many Dissenters have been stated to prefer, and which many of them will, doubtless, always use. How is it that so many Dissenters in England appreciate that Service? The Church of England has taught them. From her they have imbibed the feelings which make them differ from the Scotch and from the Quakers in desiring to have service at the grave. Is it possible to admit their right to be relieved from the necessity of having your Service and ministrations, and

yet turn round upon them and deny them the liberty religiously to indulge those reasonable and natural feelings which the example and influence of the Church has taught them to cherish? My Lords, I think it impossible to do it, or to dictate to them what forms they are to go through. To dictate silence because Presbyterians and Quakers bury their dead in silence, is assuredly the most illogical conclusion possible. My Lords, there is no way of stopping short of the proposals of my noble Friend behind me. Whatever mischief or disorder you may apprehend, it would be very much greater if you were to attempt to prohibit all religious exercises, and to enforce silence by law, than if you were to permit those religious exercises. What are the objections to that course? In the first place, it is said that the consecrated ground would be in some way desecrated. There was a very earnest argument from the right rev. Prelate (the Bishop of Lincoln) as to consecration having dedicated the ground to the service of God. I admit that to be the nature of consecration. But I find it difficult to understand the logic which deduces from that principle the consequences drawn from it by the right rev. Prelate. Surely it is desirable that those who commit to the grave the bodies of their friends should do so as religiously as they can, even if they will not do it in the way approved by the Church. Even if their consciences are, on some points, mistaken, surely that sentiment cannot be unacceptable to Him to whom they pray. Whatever the error of their separation, or of their tenets, yet if their hearts are poured out in prayer and praise at such a moment, the intention of what they are doing is right according to the actual state of their light and knowledge, and cannot profane the sacred ground, which is not alleged to be profaned by silent, non-Christian burial. There was another objection which was put forcibly by the noble Marquess, who said—"It does not so much signify what is said, as who says it." The objection, so put, is, in the first place, to Roman Catholic priests or Nonconformist Ministers coming into the churchyard. Now I think, as regards Roman Catholic priests and Nonconformist Ministers, that the Resolution of my noble Friend is far preferable to the Bill passed for

Ireland by Lord Plunket and Lord Liverpool in 1824, because the latter gave an official *status* in the churchyard to other ministers than those of the Church. It is much better, I venture to think, to give liberty to the friends and relatives of the deceased having charge of the funeral to call in any person they desire for the purpose of performing the burial rites. In that way the State gives no recognition to any assumption in the churchyard, by ministers other than those of the Church, of a ministerial or sacerdotal character. As to possible disorders in the churchyard, I do not believe that in one place out of a thousand there will be any probability whatever of anything being done which will require restraint by law. If people choose to break the law now, they can break it; and if you say the services in the churchyards are to be "Christian and orderly," it will be made a misdemeanour to conduct them otherwise, and the law will be strong enough in all unambiguous cases to enforce itself. You, at all events, will have given no sanction to scenes of disorder; and the possibility that somebody hereafter may do something unauthorized in the churchyards is surely no reason for hesitating to do what is just and right. I may observe, further, that any danger of this kind would be much greater under the suggested concession of compulsory silent interments. Would there be less disorder, if the persons you allow to go into the churchyards for the purpose of silent burials, irritated by the denial of religious liberty at the grave side, should indulge in language against the Church, against the clergy, and against religion, either in disregard of your law within the churchyard, or as soon as they are beyond the churchyard fence? Would this mischief be less because it occurred just outside a visible or invisible boundary? That brings me to another suggestion, which has been very strongly advocated, for meeting the difficulty—that of adding unconsecrated ground to the consecrated ground, as in France. But the risk of disorder, or of anything irreligious, would remain the same; and I am satisfied that the suggestion is an unpractical one, if proposed as a universal remedy for the existing grievance. You must first get an Act for the purpose, and then tax the community for the supply of the additional ground.

But who wants this to be done? Not the Nonconformists. They say they have now civil rights of interment in the existing ground: and their claim is, that these, their existing rights, should be freed from conditions inconsistent with religious liberty. The imposition of any new taxation, however small, to provide a substitute for their claims to religious liberty in the churchyards would certainly be resisted by them; and the chances of the passing of such an Act are so slight as to make it, as far as I can judge, out of the question. One or two words now as to the consequences of the measure. It is said that if the churchyards are surrendered for other services than those of the Church, the churches will go next. Why so? Do the same reasons apply to the two cases? First, death is an absolute natural necessity. Does that reason apply to the use of the churches? Secondly, burial is not only a natural necessity, but is necessary in the interest of the community and of the State. Has this fact anything to do with the use of the churches? Lastly, in many parishes the only place which is lawfully available for interment is the churchyard. Not one of these facts has any application to the churches: yet upon these facts all the reasons, which prove the existence of any grievance, and show how it ought to be remedied, in the case of burial, entirely depend. Those who have constituted themselves the defenders of the Church have invented this argument, and nobody ought to be surprised if some of the Nonconformists have accepted it. We must consider, however, not what they say, but what will be the real consequences of what we do. There is no logical ground for saying that either some new appropriation of our Churches, or the disestablishment of the Church, will follow the granting of this concession, and it is a dangerous thing for the Church of England to rest its maintenance on a false issue like this. Does any one seriously believe, that in a Conservative House of Commons there would be found a majority of 33 only against a proposition, which was really supposed to involve, as its natural or probable consequence, the disestablishment of the Church? Can it possibly be for the interest of the Church to insist, before the country and the world, that everything must be sur-

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rendered, if the Nonconformists only carry their point on this question, as to which nobody pretends to think the present state of the law satisfactory? I am not one of those who say—*Fiet justitia, ruat cælum*:—for I think the heavens are much more likely to fall upon our heads, if we do not do justice, than if we do it.

On Question? Their Lordships divided:—Contents 92; Not-Contents 148: Majority 56.

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Resolved in the Negative.

CRUELTY TO ANIMALS BILL [H.L.]

A Bill to prevent cruel experiments on Animals—Was *presented* by The Earl of CARNARVON; read 1^a. (No. 85.)

OYSTER AND MUSSEL FISHERIES ORDER CONFIRMATION BILL [H.L.]

A Bill to confirm an Order made by the Board of Trade under the Sea Fisheries Act, 1868, relating to Truro—Was *presented* by The LORD PRESIDENT; read 1^a; and *referred* to the Examiners. (No. 86.)

House adjourned at a quarter past One o'clock, A.M., till a quarter before Five o'clock

HOUSE OF COMMONS,

Monday, 15th May, 1876.

MINUTES.]—NEW MEMBER SWORN—Lord Douglas William Cope Gordon, for Aberdeen County (Western Division).

SELECT COMMITTEE—Civil Departments (Employment of Soldiers), *nominated*.

PUBLIC BILLS—*First Reading*—Irish Peerage* [149].

Second Reading—Customs and Inland Revenue [124]; Local Government Provisional Orders, Bristol, &c. (No. 6)* [147]; Intoxicating Liquors (Licensing Law Amendment) (No. 2) [116].

Third Reading—Industrial and Provident Societies* [139], and *passed*.

LAW OF DIVORCE.—QUESTION.
QUESTION.

COLONEL EGERTON LEIGH asked Mr. Attorney General, Whether it is true that a woman, should her husband commit adultery, is not allowed by the Law to marry again, a husband not being prevented marrying again should his wife commit adultery; and, whether, should such be the case, a Bill would be brought in to remedy the injustice to women?

THE ATTORNEY GENERAL: Sir, the Question of the hon. and gallant Member seems to assume that, if a man's wife commits adultery, he can immediately marry again. That is not so. By the law as it stands a husband is enabled to obtain a divorce if his wife commits adultery, but a wife cannot obtain a divorce on that ground. She must go on further, and prove cruelty and desertion as well as adultery. I do not admit that the law as it stands works any injustice to the woman, and therefore I do not admit that a Bill on the subject is necessary.

NEWFOUNDLAND FISHERIES—THE
FRENCH SHORE.—QUESTION.

CAPTAIN G. E. PRICE asked the Under Secretary of State for the Colonies, Whether the Government propose to remove the restrictions hitherto placed on the Governor of Newfoundland with respect to the issuing of grants of land to British subjects on the so-called "French shore" of that island; and, whether any and what steps will be taken during the approaching season to protect our fishermen from outrage and interference pending the Report of the Fishery Commissioners?

MR. J. LOWTHER: Sir, the Questions referred to by my hon. and gallant Friend are among those which are at present the subject of negotiations between the French and English Governments, and, as they are of a highly delicate character, my hon. and gallant Friend will, I have no doubt, be anxious to avoid any discussions which might tend to interpose difficulties in the way of a settlement of the points at issue, which I hope will not be much longer deferred.

THE INCOME TAX—CUSTOMS AND
INLAND REVENUE ACT, 1875.

QUESTION.

MR. THOMSON HANKEY asked Mr. Chancellor of the Exchequer, Whether he has made any and what arrangement respecting the collection of the Income Tax since the 5th of April, when the last Income Tax expired; whether any collector can legally demand payment of Income Tax at the present moment; and, whether, seeing that this great inconvenience on the collection of the Income Tax must recur so long as an interval of time is allowed to exist between the expiration of one Income Tax Act and the re-enactment of another similar Act, he will now introduce a Clause which will make the Income Tax continue until the 5th of July instead of till the 5th of April, unless Parliament should previously to that day, 5th of July, have passed a new Act?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the Question was a very difficult one, as his hon. Friend was aware. The matter had been frequently under the consideration of the various Governments and of the Board of Inland Revenue. The answer he had received to the inquiries he had made of the practical officers of the Inland Revenue was to this effect—

"No arrangement is necessary respecting the collection of the Income Tax since the 5th of April, when the duties granted by the Customs and Inland Revenue Act, 1875, ceased to be chargeable, as that Act provides for the continuance of provisions contained in former Income Tax Acts, under which the duties do not cease with respect to any assessment which ought to have been made before the 6th of April, but which shall not have been made and completed; nor with respect to any duties assessed and remaining unpaid which the collectors still have power to levy and recover.

"The collectors for the year 1876 will not be appointed, nor will any assessments be made until after the passing of a new Act.

"The only exceptions are where the duties may be retained in respect of payments on account of salaries, pensions, &c., in public offices, and foreign or colonial dividends, in which cases the agents intrusted with the payment will, by the continuance of the provisions contained in the 43rd section of the 25 Vic., cap. 22, be required to account for the sums deducted or retained by them within one month after the passing of the Act.

"In the event, as at present, of an alteration in the rate of duty, the custom has always been, after the passing of a Resolution, for the deduction to be made at the rate authorized by the

Resolution; but, in the event of payments having been made before the passing of the Resolution, and deductions having been made at a higher or lower rate than may be applicable, an adjustment is made by the agents on the occasion of the next payment if the parties are the same, or repayments are made where necessary in cases where too much has been deducted; while persons from whom proper deductions have not been made are liable personally to make returns for assessment.

"There has been no great inconvenience found in carrying out these arrangements, but it is certain there would be great inconvenience in making the Income Tax continue at the old rate of duty—if that is what is intended by Mr. Hankey—until the 5th of July, instead of till the 5th of April, unless Parliament shall previously to that day (the 5th of July) have passed a new Act; because this would cause great uncertainty as to the rate of tax to be deducted by the agents, who must, of course, calculate, before the day of payment of dividends, the amounts to be deducted therefrom, while it would greatly increase the difficulty of estimating the produce of the Income Tax for the year."

It was his intention to give the subject further consideration, and he would communicate with his hon. Friend in reference to it.

LOCAL TAXATION—AMOUNT AND DISTRIBUTION.—QUESTION.

MR. PELL asked Mr. Chancellor of the Exchequer, Whether he will afford to the House, before the Second Reading of the Customs and Inland Revenue Bill, information respecting the amount and distribution of Local Taxation in the shape of the Local Budget promised last Session, in order that an opportunity may be given for considering the relative increase of Local and Imperial taxes?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he should have been very glad to have been enabled to bring forward the subject before now, but, unfortunately, the time had been taken up by a great pressure of business. The most convenient time to do so would probably be on the occasion of bringing in the Bill—which he hoped shortly to do—to authorize the raising of money to supply the Public Works Loan Commissioners with the sums they would require to make advances, and on that occasion he, or his right hon. Friend the President of the Local Government Board, would make a statement on the subject.

HOLYHEAD HARBOUR—WRECK OF THE STEAMSHIP "EDITH."—QUESTION.

MR. SERJEANT SHERLOCK asked the President of the Board of Trade, Whether it is intended to take any measures to remove the steamship that was sunk in a collision at the entrance of Holyhead Harbour in the first week of August 1875, and which has since been permitted to remain in the direct course of the mail steamers, and to endanger the safety of every ship entering and leaving the harbour?

SIR CHARLES ADDERLEY: The steamship *Edith*, Sir, belonging to the London and North-Western Railway Company, was sunk in a collision half-a-mile from the entrance of the inner harbour of Holyhead in the second week of September last. The harbour master reports that the wreck is efficiently marked by the railway company both by day and night, by a buoy with a bell on it by day, and by two powerful lights, one at each masthead, by night; he also reports that the vessel does not lie in the ordinary course of ships entering or leaving the harbour of refuge, and very few vessels going in or out go near her. Since the loss of their vessel, the railway company have themselves spent about £7,000 in unsuccessfully attempting to raise her, and have now, at a heavy additional cost, accepted the tender of the Victoria Graving Dock Company to raise her, and it is confidently expected that by the middle of the summer the wreck will have been removed.

H.R.H. THE PRINCE OF WALES—THE NOBILITY OF MALTA.—QUESTION.

SIR GEORGE BOWYER asked the Under Secretary of State for the Colonies, Whether it is true that the nobility of Malta were not permitted to present an address to the Prince of Wales on his arrival in Malta, and that for this reason they refrained from taking part in the reception of His Royal Highness; and, whether Her Majesty's Government will make an inquiry on the subject, with a view to give satisfaction to the Maltese nobles?

MR. J. LOWTHER: Sir, no information has as yet been received upon the subject referred to by the hon. Baronet, but inquiry will be made as to the facts of the case.

CHINA—PORT OF KIUNG CHOW.

QUESTION.

MR. PENDER asked the Under Secretary of State for Foreign Affairs, If he will lay upon the Table the information in the possession of the Foreign Office in regard to the capabilities for trade, &c. of the port of Kiung Chow, in China, the opening of which is notified in the "London Gazette" of the 25th day of April last?

MR. BOURKE, in reply, said, that one of the Consuls in China had been ordered to make a Report, and when it was received he would be happy to lay it on the Table of the House.

DAHOMY—THE THREATENED BOMBARDMENT.—QUESTION.

MR. RICHARD asked the Under Secretary of State for the Colonies, Whether there is any truth in the statement made in a Newcastle paper that if in the course of a few weeks our dispute with the King of Dahomey still remains unsettled, it is the intention of Commodore Sir William Hewitt to bombard the towns on the Coast; and, if so, whether this extreme measure met with the approval of Her Majesty's Government?

MR. J. LOWTHER: I have no reason to believe that Sir William Hewitt proposes to bombard any towns. It is intended, however, to institute a blockade of the coast of Dahomey, commencing on the 1st of July.

POLLUTION OF RIVERS—LEGISLATION.—QUESTION.

MR. CAWLEY asked the President of the Local Government Board, Whether it is the intention of the Government to introduce during the present Session any Bill in reference to the Pollution of Rivers, and if such Bill was to be introduced into the House, whether he is able to state when it will be introduced?

MR. SCLATER-BOOTH, in reply, said, it was still the intention of the Government, as announced early in the Session, to introduce a Bill upon the subject referred to by the hon. Member, but he was quite unable to say when it would be introduced.

POST OFFICE—TELEGRAPHIC COMMUNICATION WITH SOUTH AFRICA.

QUESTION.

MR. A. M'ARTHUR asked the Under Secretary of State for the Colonies, If any steps have been taken by Her Majesty's Government, acting in concert with the Colonial authorities, to secure to the Cape Colony and Natal, by way of Mauritius, the advantages of direct telegraphic communication with the mother country?

MR. J. LOWTHER, in reply, said, that since the original suggestion for securing telegraphic communication with Cape Colony and Natal, by way of Mauritius, an alternative route had been proposed by Western Africa. The whole subject was now engaging the attention of the Government.

METROPOLIS—HYDE PARK—ROTTEN ROW.—QUESTION.

LORD RANDOLPH CHURCHILL asked the First Commissioner of Works, Whether his attention has been recently called to the hard and dusty condition of Rotten Row; and, whether he contemplates taking any steps towards rendering Rotten Row more suitable to horses and their riders?

LORD HENRY LENNOX, in reply, said, his attention had been called to the unsatisfactory state of Rotten Row, and he feared he had nothing to add to the answer which he gave on the subject to another hon. Member in the early part of the Session, when he explained the peculiar features of the soil which rendered the condition of the Row unsatisfactory. With regard to the second part of the Question, he had much pleasure in assuring the House that he had not only contemplated, but had been busily engaged in taking every step in his power to render Rotten Row suitable for horses and their riders.

IRISH FINES FUND.—QUESTION.

MR. REDMOND asked the Secretary to the Treasury, If he will state why the payment to the Consolidated Fund of £500 annually (charged upon the Irish Fines Fund by the Act 6 and 7 Vic. c. 78, towards the salary of the Chief Remembrancer of the Court of Exchequer, who was then auditor of accounts of Fines

and Penalties), still continues to be made, although the office of Chief Remembrancer was abolished by the Act 13 and 14 Vic. c. 51, and a separate department was then established for the audit of these accounts, the expenses of which department are also charged upon the Irish Fines Fund, which thus appears to have been for the last twenty-five years charged doubly for the discharge of the same service?

MR. W. H. SMITH, in reply, said, the payment referred to by the hon. Member still continued to be paid under the authority of the section of the Act he had mentioned. There was nothing in the section to show that the payment was intended to cover the cost of auditing the Fund, though comparing the section with Section 21 of 6 & 7 Vict. c. 56, it was, perhaps, not an unfair inference to suppose that it was. But the Treasury held that, even admitting that that was the object of the payment, it was not incumbent on them to resign the money, because in strictness the whole capital of the Fines Fund belonged to the Exchequer. An opinion to that effect was given jointly by the English and Irish Law Officers in 1867, and in the following Session a Bill was introduced to provide for the transfer of the capital to the Consolidated Fund. The Bill, it was true, was not proceeded with; but no question seemed to have been raised as to the facts set forth in the Preamble.

CUSTOMS AND INLAND REVENUE

BILL.—[BILL 124.]

(*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Chancellor of the Exchequer.*)

MR. RYLANDS, in moving, as an Amendment—

"That this House regrets that the progressive increase of expenditure recommended by Her Majesty's Government should have led to a proposal by Her Majesty's Government to add to the Income Tax in the present year,"

said: The terms of the Resolution which I have the honour to propose are of

so moderate a character that I venture to appeal in its favour to hon. Gentlemen on the other side of the House. I am disposed to think that there must be some Conservative Members who look with dissatisfaction upon the present high rate of national expenditure, and who may be willing to support the Resolution as a means of protesting against the course taken by the Government. It appears to me that this is a very fitting occasion for them to depart from the almost uniform docility which marks the course of the supporters of the Government, but, should they decline to give me any support, and my proposal is in consequence rejected, I think I may safely assert that the majority in this House will not represent the opinion of the majority out-of-doors. I believe many of the constituents of hon. Gentlemen opposite are extremely dissatisfied with the financial policy of the Government, and reasonably complain, that in the matter of the Income Tax they have been deceived by their Party. I hope that on this side of the House I shall not need to use many arguments to induce a general support of my Resolution. I am quite aware that some of my hon. Friends have questioned the policy of bringing forward the Motion at all. And their reason is this—they say that the Government are cutting their own throats so quickly that the Liberal Party ought not to interfere, but should stand by as amused and interested spectators, until the "happy despatch" is completed. I do not deny that there is some force in that argument. I cannot pretend that, so far as I am concerned, it is at all disagreeable to witness the rapid manner in which the Conservative Party are losing the confidence of the country. If it were simply a question in which the Government were alone concerned, I should be quite willing to adopt the policy of my hon. Friends; but, unfortunately, the public interests are involved, and I think that we, as the Liberal Party, are bound to protest against the mischievous policy of the Government, and against an extravagant and needless expenditure, which is imposing additional burdens of taxation upon the people. In opposing the Budget measures of the right hon. Gentleman the Chancellor of the Exchequer, I do not raise any complaint against the right hon. Gentleman him-

self. I wish to bear testimony to the ability and clearness of his speech on the Budget, and to the candour and moderation with which he placed his views before the House. The blame rests with the spending Departments of the Crown, represented by responsible Ministers in Parliament; and if we are to have the expenditure, we must be prepared to pay the penalty in the form of additional taxation. I quite agree with the Chancellor of the Exchequer that the present taxes would not be sufficient to meet the enlarged expenditure for the coming year. The right hon. Gentleman's estimates of the Revenue for 1876-7 were considered to be moderate, but I fear that moderate as they were they will not be reached. The diminution in the Excise in the last quarter of the financial year gave the Chancellor of the Exchequer some warning of the diminished receipts, but it must be remembered that the pressure upon the Revenue is only just commencing, and that diminished consumption accompanying depression of trade always strikes the Excise first, to be followed very speedily by reduced receipts from Customs and taxes. The commercial prospects of the country are certainly most disheartening. If the Government were to ask "the man in the street," they would be told that every branch of industry is looking gloomy. I can speak from practical experience of two of the staple trades of the Kingdom, in which I am largely interested—I allude to the iron and coal trades. Many works are stopped—others are working short time, the profits upon capital have disappeared, and the wages of labour are being reduced. In the cotton districts stocks of goods are increasing to an alarming extent, and unless there is some speedy relief by the springing up of a demand, there must be a very general cessation of employment. The reports of the woollen and worsted trades are equally bad. And there is another important branch of national industry which, I am informed, has recently suffered considerable losses—I mean the agricultural interest. Hon. Gentlemen are much better able to speak of this than I am, but some of my friends who are landowners have assured me that the last two seasons have been disastrous to farmers in certain parts of the country. One of my friends tells me that for the first time in his ex-

perience his tenants were unable to pay their rents at Christmas, and he had not yet received them. All this points to a serious diminution of the national income. Less money will be earned in wages and spent amongst the shopkeeping and trading classes, all incomes derived from the employment of capital will be reduced, and when the depression of trade is felt in its full effect upon railways, banks, and other means of investment, the pinch will reach large classes who are not otherwise directly concerned in trade. No doubt this diminished prosperity furnishes a very good reason for the Chancellor of the Exchequer forming a moderate estimate of the Revenue, but it furnishes a much stronger reason why there should not be any additional taxation at the present time. Diminished receipts at the Exchequer not only mean diminished luxuries to the higher ranks, and diminished comforts to the middle and trading classes, but they mean absolute distress and privation to the working population. I think, under these circumstances, all classes have reason to complain of the expenditure sanctioned by the Government, which has led to the proposal of increased taxation. But farmers have especial reason to complain. Conservative candidates at the General Election issued in the form of their addresses many promissory notes, by which they undertook to pay at a future period certain considerations in the form of public boons to various classes in return for their support. In country districts these promissory notes were freely circulated and credulously received, and now that the time has come to redeem them they have been dishonoured. They prove to have been what we call in the City "accommodation bills," and the farmers having been the most credulous of the supporters of Conservative candidates, are most disgusted that there are "no effects." I observed a few days since in *The Times* an interesting report of a dinner given as a well-deserved compliment to my hon. Friend the Member for South Norfolk (Mr. Clare Read). At that dinner a number of leading agriculturalists were present, and the Chairman—himself a Conservative—made a remarkable speech, in which he dwelt at some length upon the short-comings of the Government, and upon the way in which the farmers had been disappointed

of their expectations from the advent of the Conservatives to power. He spoke of the indifference of the Government to the interests of farmers, and of the delusive promise in the Queen's Speech with respect to the relations of landlord and tenant, followed by the Agricultural Holdings Act, and said—

"They had taken fright at their own Act, and through the Chancellor of the Duchy of Lancaster, had contracted themselves out of the Act to the universal surprise and dissatisfaction of all who looked to the Government to support their own production."

The farmers have not only been deceived, but they are distressed; and in the midst of their distress, instead of getting relief from the "farmers' friends," they are pressed down by increased taxation. They may well say to their allies on the Treasury bench—

"It is all very well to disassemble your love,
But why do you kick us down stairs?"

I hope the farmers bearing in mind what is taking place will revert back to the course taken by agriculturists in former years. In former generations the farmers were the backbone of the Whig Party in favour of "peace, retrenchment, and reform," and now being naturally dissatisfied at the manner in which the Conservative Party have broken their promises, I am not without hope that finding on which side their interests are really bound up, they will return to their allegiance to the Party which had in the long run best served their interests. I need not dwell further upon the case of these victims of a misplaced confidence, but I cannot pass over the single means by which the Chancellor of the Exchequer seeks to relieve the pressure of the new burden of taxation, and to gild the pill of the additional 1*d.* Income Tax. He extends the system of exemption, and he does so in a manner which I think is fairly open to animadversion. But he does at the same time recognize a principle which I am not disposed to quarrel with. By means of exemptions he really establishes a sliding scale of the rate of tax according to the amount of income. People with £180 a-year are now to pay at the rate of 1*d.* in the pound, £250 per annum at the rate of 1½*d.*, £350 at the rate of 2*d.*, and all incomes above £400 at the rate of 3*d.* in the pound. But why stop there? The principle may very well be carried

much further. A gentleman possessing £100,000 a-year could pay 2*s.* in the pound as easily as the possessor of £10,000 a-year could pay 1*s.*, and the possessor of £1,000 a-year could pay 6*d.* in the pound as easily as the persons of £400 a-year can pay 3*d.* I do not dispute this principle of taxation at all, and I am quite satisfied if hon. Gentlemen opposite are prepared to support it. But the main point I wish to impress upon the House is this—that you cannot increase the burden of taxation without affecting all classes of the community. You may exercise great ingenuity in fitting the burden upon the back of an animal so as to avoid unnecessary galling, but the beast has still to carry the weight. Every stroke of the Exchequer force-pump that carries £1,000,000 into the Revenue, reaches by the power of suction to the very depths of the population, and notwithstanding your exemptions the £1,000,000 now to be levied will be drawn from funds that would otherwise employ labour or circulate in trade; and while you may only circumscribe the comforts of people of small incomes, you will add to the bitter cup of privation and distress which is likely to be the portion of the poorest classes during the next autumn and winter. But where are we to stop in this march of reckless expenditure? What guarantee have we that these Estimates, swollen to £78,000,000, may not go higher? So far from having any guarantee, I think the probability is the other way. The practice of Conservative Governments is always to exceed their Estimates. In 1867-8 Lord Derby's Government exceeded their Estimates by £1,100,000, exclusive of the cost of the Abyssinian War. In 1874-5 there was an excess of expenditure over Estimates of £370,000, and last year, as the Chancellor of the Exchequer told us, there was an excess of £900,000. I think it was a humiliating confession on the part of the right hon. Gentleman when he said that the Supplementary Estimates were very considerably in excess of anything he had anticipated when he brought in his Budget last year. Because, if there was such slackness in the control of expenditure in the Departments, or such a want of ability to determine the amount of money which would actually be required, what confidence can be placed in the Estimates of

the right hon. Gentleman at the present time? His only apology and excuse was that unforeseen outlays may arise under any Government. No doubt, that is the case. But as regards unforeseen outlays of an ordinary character, they ought to be met by savings. That was done in former years by the Liberal Government. In several instances the savings considerably more than balanced the unforeseen outlays. But with the present Government we are never safe from being plunged into expenditure of an extraordinary and unlooked-for character. The right hon. Gentleman at the head of the Government appears to have the peculiar faculty of creating unexpected outlays to carry out some magnificent policy, which in the end lands the country in a financial muddle. The right hon. Gentleman's schemes are like displays of fireworks, which for the time are very brilliant, but they are very evanescent, very costly, and very useless. And there have always been the same characteristics marking the great undertakings of the Prime Minister. They have been hastily entered into without due consideration—they have been carried out in an unbusiness-like manner and with reckless expenditure—they have been based upon great miscalculations of the ultimate cost, and they have ended in imposing great burdens upon the nation. In 1867 the Abyssinian War fulfilled all these conditions—it was entered into precipitately whilst Parliament was not sitting, and it was carried out with a reckless waste in expenditure which entailed a total cost of nearly £9,000,000, despite the solemn assurances of the right hon. Gentleman the Prime Minister that the expenditure, which he at first estimated at only £2,000,000, would at the very outside not exceed £3,500,000. When the right hon. Gentleman went out of office—as I suppose he will do some day again—he left to his successors the duty of providing no less than £6,300,000 to pay the outstanding debts created by his Abyssinian policy. Exactly the same kind of thing occurred in 1868. Then it was the purchase of the telegraphs, a dazzling scheme, painted by the Government in glowing colours. They said the cost would only be £4,000,000, and that there would be a surplus income of £280,000 a-year. The principal and interest were to be paid off in 29 years, when the country would enjoy the full

financial blessings of the scheme. This was the prediction uttered by the prophet of the Government, the then Chancellor of the Exchequer (Mr. Hunt). And what have been the financial results of this promising scheme? The money expended up to the present time has amounted to £10,000,000, and now forms a serious burden upon the Exchequer. Up to last year there has been a deficiency upon the working expenses. Not a penny of the principal has been paid, and not a penny even of interest upon outlay has been paid until last year, when there was a credit of £40,000 over the expenses. Then there was the blundering and unbusiness-like way in which the transaction was carried out. As usual, with right hon. Gentlemen opposite the bargain was hastily and inconsiderately made. It was a bad bargain. They paid a price which was very much too high, and not only so, they paid for what they did not get. They supposed that they had bought the way-leaves on the railway lines in perpetuity, whereas they had only bought some short leases, and the country has already had to pay in compensation to railway companies several hundred thousands of pounds, and are likely to have to pay nearly a million altogether, because of this blunder in their bargain, which very appropriately bears the date of April 1st, 1868. And now we have very much the counterpart of the policy which the right hon. Gentleman (Mr. Disraeli) carried out in 1867 and 1868, in the purchase of the Suez Canal shares. I am not going to raise any question as to whether it was a wise policy or not, all that I have to consider is the financial effect of the proceeding. And I say that this canal purchase has been marked by a repetition of the kind of blunders committed in connection with the Abyssinian War and the purchase of the telegraphs. It has been a hasty policy, adopted without due consideration, and carried out in an unbusiness-like manner, without any regard to financial considerations. It has been a bad bargain in a money point of view, because you have given a great deal more for these shares than they were worth in the market, and a great deal more than anybody else would have given for them. I believe the Government were deceived in supposing that some people in Paris were preparing to buy the shares. The holders of the

Egyptian floating debt deceived the Government then for their own interests, and they have, I think, managed to use the British Government since, to promote their stock-jobbing schemes. I challenge the Government to prove that anybody wanted the shares, or that anybody else would have paid so large a sum for them. I have reason to believe that the Canal shares were being hawked about in Paris for £3,800,000, with a guaranteed interest of 10 to 12 per cent, making the actual value at 5 per cent less than £2,000,000, or one-half of what the Government have given for them, and it is quite evident from the Correspondence laid upon the Table that the Khedive thought it a perfect Godsend that John Bull had so much money, and was ready to part with it so easily, in paying for his whistle. I hope the purchase may not involve us in any further loss or responsibility. Some great stroke of policy may be inaugurated at any moment by the Prime Minister. We may have a Commissioner carrying to Egypt some sort of guarantee on the part of this country in order to save the £200,000 a-year, and thus involve us in some great muddle of Egyptian finance. I am perfectly alarmed when I consider how the Government have been imposed upon by the French holders of Egyptian Treasury bills. If the House could by a Committee trace what had been going on between France and this country—if they could show how the strings had been pulled by a gang of financial swindlers in Paris and answered from the Treasury Bench—if they could trace the loss and suffering occasioned in this country by fluctuations of Egyptian stock produced by inconsiderate utterances of right hon. Gentlemen opposite, they would be perfectly shocked and regret that they had ever been mixed up in Egyptian finance. Well, I am afraid we have not got to the end of our loss in this Egyptian matter, and the probability is that when the Liberal Party come again into office—as come they will, notwithstanding the despondent expressions in the East Retford speech of the right hon. Gentleman the Member for the University for London (Mr. Lowe)—my right hon. Friend the Member for Pontefract (Mr. Childers), or whoever else is the Chancellor of the Exchequer under a Liberal Government, will find his difficulties increased by the

financial burdens left to him by the present Government. But, leaving out of consideration the possibility of extraordinary occasions of expenditure which may be sprung upon us at any moment by the right hon. Gentleman the Prime Minister, the ordinary expenditure recommended by Her Majesty's Government is sufficiently alarming. The ordinary expenditure is progressing at the rate of £1,500,000 a-year, and already the newspapers are speculating upon its reaching £80,000,000 next year. You will then have to choose between adding another penny to the Income Tax or giving up your plan of reducing the National Debt. Indeed, you may be driven to that alternative by the failure of estimated receipts at the Exchequer during the present year. And then I think I can venture to predict what will occur. The sinking fund of the Chancellor of the Exchequer will disappear. I think we had some premonition of this when the right hon. Gentleman spoke about the sinking fund not being like the laws of the Medes and the Persians. So soon as you are obliged to lay on additional taxes you cannot maintain the sinking fund. It had no doubt a great struggle for existence when the Chancellor of the Exchequer had to consider the necessity of putting on an additional penny to the Income Tax this year; but it would have been too absurd to have given up the sinking fund the very first year of its existence, and so it was saved, but it will not stand the pressure of another year. There is, in fact and in reason, a great objection to laying on taxes to pay off the National Debt. What we want is thrift and economy in the national finances. The expenditure ought to be kept within the Estimates. The experience of the late Government proved how much could be done to redeem the National Debt without the pretentious arrangement of a sinking fund. During the five years of the Administration of the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), notwithstanding net remissions of taxation amounting to £12,500,000 there was a reduction of the Debt of £26,000,000 over and above the Stock and Terminable Annuities created for the purchase of the telegraphs, and on account of fortifications and Army localization. The contrast between the late Government and the present in these respects is perfectly

amazing. They are borrowing with one hand, whilst they profess to be paying off the Debt with the other, and at the same time they are increasing their expenditure, whilst the Revenue is declining. The late Government remitted taxes and reduced the Debt; the present Government have increased the Debt, and are laying on fresh taxes. All this is only a repetition of an old tale. In 1866 the right hon. Gentleman the Member for Buckinghamshire came into office with a surplus of about £2,000,000, and an expenditure of £66,000,000; he left office at the end of 1868 with an expenditure of nearly £72,000,000, and a deficit of over £2,000,000. Again, he came into office in 1874 with a splendid surplus of nearly £6,000,000, and an expenditure of £71,000,000. He has got rid of everything like a surplus, and has carried his expenditure up to the unprecedented amount in time of peace of £78,000,000. If hon. Gentlemen opposite think this is a true Conservative policy, I venture to differ with them. It is a very different policy from that which was pursued by the Conservative Party in former years. I recollect the time when at the head of that Party was a distinguished statesman who kept down all unnecessary expenditure, and who exerted his great abilities and influence in promoting measures for the welfare of the people at large. I, of course, allude to the late Sir Robert Peel, who in one of his last speeches at the close of his distinguished career in 1850 gave this House some important advice. He said—

“I believe that in time of peace we must by our retrenchment consent to incur some risk. I venture to say that if you choose to have all the garrisons of all your colonial possessions in a complete state, and to have all your fortifications secure against attack, no amount of annual expenditure will be sufficient to accomplish your object.”—[3 *Hansard*, cix. 766.]

The principle which Sir Robert Peel laid down in 1850 applies equally to the great military and naval preparations of the present day, and he would equally have condemned the present enormous expenditure. It is a misfortune to this country that the high place in Her Majesty's councils which was in former years occupied by that illustrious statesman is now filled by a Prime Minister of so different a character and who supports so opposite a policy. I look upon it as a dangerous policy. It is sapping away the founda-

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tions upon which the progress and prosperity of this country depend. It may do in a period of fair weather, but it will not stand the pressure of adversity. The interests of all classes of society are bound up in the wise and economical administration of the national finances. The burden of taxation may help to lose the commercial superiority of this nation, exposed as it is to the increasing fierceness of competition of foreign countries, and in a period of public distress owing to loss of employment, the spectacle of over-grown national establishments, and of large sums of money lavished upon a multitude of unnecessary servants of the Crown, upon pensions and superannuations, and upon “bloated armaments,” will add bitterness to privation, and will alienate the affections of the people from the institutions of the country. The hon. Gentleman concluded by moving the Amendment.

MR. MUNTZ seconded the Amendment.

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the word “this House regrets that the progressive increase of expenditure recommended by Her Majesty's Government should have led to a proposal by Her Majesty's Government to add to the Income Tax in the present year,”—(*Mr. Rylands*,)

—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

MR. CHILDERS*: Mr. Speaker, it is somewhat unfortunate that the debate, which my hon. Friend the Member for Burnley (*Mr. Rylands*) has brought on to-day, did not take place when the Budget Resolutions were discussed some weeks ago. On that occasion my hon. Friend was anticipated by the right hon. Gentleman the Member for London (*Mr. Hubbard*), whose Amendment, not affecting this Budget particularly, but dealing with the whole structure and incidence of the Income Tax, occupied our attention. However, the postponement of the debate is perhaps not to be regretted; for my hon. Friend's speech to-night not only was able and convincing, but stated the case with a minuteness of detail which would hardly have been expected on the first night of a Budget debate. But before I deal with

the special question of the increase in the public expenditure to which my hon. Friend's Amendment refers, I should like to say a few words on the additional taxation recommended to us by the right hon. Gentleman the Chancellor of the Exchequer. Assuming for the moment that further taxation is necessary, and deferring the consideration of the exact amount, which will be better discussed in Committee, the first question is whether the deficit should be made good by an increase of the Income Tax. The Chancellor of the Exchequer has told us that the only alternative would be to raise the spirit duty; and in that I am disposed to agree with him. But if the spirit duty were to be increased, I doubt whether any one conversant with our financial arrangements would propose that that increase should be less than one-eighth of the existing rate, or 1s. 3d. per gallon. At the present rate of consumption, such an increase would give additional revenue to the extent of about £2,700,000, or, after allowing for some diminution of consumption, at least £2,000,000. In my opinion, it would be altogether impolitic to make this serious alteration in our well-adjusted scale of indirect taxes, for the sake of the comparatively small deficit which the Chancellor of the Exchequer anticipates; and I therefore am compelled to agree with him that we can only have recourse to the Income Tax. I must, however, express my extreme astonishment that this proposal should have come from a Government the head of which is the right hon. Gentleman the Member for Buckinghamshire. It is only five years since the last increase of the Income Tax was proposed; and, in 1871, the right hon. Gentleman addressed to this House no less than five set speeches on the subject, denouncing in the strongest terms a proposition the exact parallel of that which the Government now make. Among a number of objections which he then forcibly and repeatedly stated, there were three upon which the right hon. Gentleman especially insisted. The first was, that increase of taxation was objectionable, if direct taxation alone was dealt with; the second, that no increase of direct taxation should take place in ordinary times; and the third, that no increase of such taxation should be made to meet a small deficit. Let me read to the House one

or two short extracts from the right hon. Gentleman's speeches. He said, on May 18, that the House of Commons—

"Wholly disapproves the course taken by the Government in meeting a deficiency by direct taxation, and especially by this form of direct taxation—namely, the Income Tax."—[3 *Hansard*, ccvi. 980.]

He urged on May 4 that it was not right that the Ways and Means should be entirely supplied by direct taxation.

"I, therefore, will never give my consent," he said, "to raising the Ways and Means of the year" (that is to say, the additional Ways and Means) "entirely by direct taxation."—[*Ibid.*, 242.]

He has, however, consented, on the very first occasion of an increase of taxation. On May 4 he also said—

"We should, in fact, encounter hereafter a Nemesis, if we gave in our adhesion to a precedent so perilous and fatal as that of levying the whole of the Ways and Means of the year—and those considerable Ways and Means—by direct taxation."—[*Ibid.*, 237.]

The Nemesis has been of his own creation. And in another debate, on May 1, he said that—

"When a Minister comes forward . . . and proposes a Budget which consists solely of Income Tax, there should be some opposition not on this side only, but on all sides of the House."—[3 *Hansard*, ccv. 2026.]

So much for his first objection. As to the second, after explaining that he would not pledge himself to the entire obliteration of the Income Tax from our ordinary finance, he said on May 18—

"The Income Tax is unequal and unjust in its incidence; and, what is more, there is no financial genius in the world" (I presume this includes the present Chancellor of the Exchequer) "that can remove that inequality and that injustice. . . . This is a tax, therefore, that one can resort to on a great emergency. When the country is in danger, when its fame and honour and its dearest interests are concerned, the great body of the population does not trouble itself about the exact incidence of the tax. . . . But a tax so unequal and unjust as that should, I think, be resorted to only in cases of emergency; it should not be an habitual part of our financial system."—[3 *Hansard*, ccvi. 970-71.]

And in enforcing the third objection, he said on April 24—

"I think it is unfortunate that the Income Tax should be used as a matter of course on slight occasions, and that whenever £1,000,000 or £1,500,000 is wanted" (the present deficit, the House will notice, is much less), "a disturbance should be caused throughout the coun-

try by an increase of the Income Tax."—[3 *Hansard*, ccv. 1654.]

Again, on May 1—

"The Income Tax ought not to be proposed to obtain a casual or a common result."—[*Ibid.*, 2025.]

And on May 4—

"A Chancellor of the Exchequer must be no very great hand at his profession" (I am afraid this is rather severe upon my right hon. Friend) "if he cannot manage, somehow or other, to put his hand on £500,000 or £600,000,"—[3 *Hansard*, ccvi. 237.]

without increasing taxation. I must say, considering these solemn denunciations, that I should have liked to see the face of the Prime Minister when the Chancellor of the Exchequer brought his present proposal before the Cabinet. If, however, in spite of the deliberate judgment of the right hon. Gentleman in 1871, we must now add to the Income Tax, let us consider what will be the effect of the peculiar manner in which the Government propose to effect this addition. The Chancellor of the Exchequer proposes to raise the minimum income to be taxed from £100 to £150; to increase from £80 to £120 the deduction from incomes above £150; and from £300 to £400 the minimum income subject to deduction. Now it is quite true that alterations have been from time to time made in the scale of exemptions, whether whole or partial, from Income Tax. I doubt, however, whether any increase in the exemptions has ever been proposed except on the occasion of a reduction in the tax—that is to say, when the effect of the increased exemption would be only to make the relief to each taxpayer greater or less. But the peculiarity of the present proposal is that, in a year in which an increased amount of taxation is demanded from the public, out of seven persons paying Income Tax five will be told that they are to pay less than they did last year, and the other two will have to make good, not only the additional requirements for the public expenditure, but also the burdens from which the five are relieved. The proof of this is easy. By the Chancellor of the Exchequer's scheme all incomes of less than £200 a-year will gain in spite of the increased rate of tax; incomes between £200 and £300 will lose; those between £300, and £360 will gain; and

those exceeding £360 will lose. Now, according to a Return printed in 1873, and which gives minute details as to the payments under Schedules D and E. I find that there are about 440,000 incomes on which tax was paid of under £200 a-year and between £300 and £360, and only 170,000 of between £200 and £300 or above £360; and I believe that the other Schedules are estimated to give a similar result. If that be so, the proposal of the Government appears to me to be open to the gravest objection, and to form a most dangerous precedent. The periodical from which we receive so much witty advice has called it a bait; but I would rather call it a bribe. It deliberately takes from the taxpayer all interest in public economy. Let us suppose that in some future year a Chancellor of the Exchequer, perhaps belonging to a very different political Party from that of my right hon. Friend, wishes to make lavish expenditure popular. He has only to increase the Income Tax, on the model of 1876. The method would be simple enough. He might raise the minimum for £150 to £180 or £200 (and it would be easy to argue that 10s. or 12s. a-day was the fair wage limit); increase the deduction from £120 to £160, and the maximum from £400 to £500. I know of no particular virtue attaching to £400 a-year; and by carrying the maximum to £500 you would satisfy many of those civil and military officers, clergymen, and widows, to whom my right hon. Friend referred. Well, the result would be almost the same as the proposal in the present Budget. The majority of Income Tax payers would again pay less instead of more, and the dangerous hustings cry might be evoked "More expenditure and less taxation!" I hope, therefore, that the House will pause before they adopt without modification the proposed exemptions. I will now turn to the especial subject of my hon. Friend's Motion. It points to the progressive increase of expenditure recommended by the present Government as the cause of the additional taxation now rendered necessary, and it invites us to re-consider the Estimates. Now, I make no doubt that he will be met *in limine* by the reply that it is too late to discuss the Estimates; that the House has virtually settled the expenditure of the year, and that it would be against all

precedent to review what has already been decided. I might perhaps dispute the literal accuracy of such a reply, for we have not voted the increases in the Navy Estimates, nor in a great part of the Civil Estimates. But even if we had done so, I must refer again to those speeches of the First Minister from which I have already quoted, as conclusive upon this point. I will quote only from one.

"When I remind the House" said he in 1871, "that the Ways and Means (that is the additional Ways and Means), before us consist of a single tax, the levying of which is viewed with the greatest jealousy and anxiety by the people of this country—encouraged in their conviction by the frequent and recent declarations of the Ministry themselves—is it wonderful that when such propositions as these are placed before us we should ask ourselves, in duty to our constituents what is the necessity for a proposal so monstrous, which they themselves have proscribed, and how can we possibly arrive at any conclusion unless we refer to the expenditure which they have called upon us to incur?"—[3 *Hansard*, ccvi. 234.]

That argument was addressed to Parliament in the month of May, when the Army and Navy Estimates at any rate, had been voted to as great an extent as in this year. And the reasoning of the right hon. Gentleman was, in my opinion, unanswerable. What, in fact, is the real position of the House in dealing with the Estimates of expenditure? They are laid upon the Table early in February; and perhaps in passing I may congratulate the hon. Gentleman the Secretary to the Treasury on his promptitude this year, not only in placing the Civil Service Estimates before us, but in obtaining their discussion early in the Session. The Budget Statement, on the other hand, is rarely made until early in the month of April, so that, in point of form, the expenditure is voted before the Ways and Means are known; but as I think I shall show conclusively, the presumption in ordinary years is that the proposed expenditure involves no increase of taxation. The proof is simple. Since the imposition of the Income Tax 34 years ago, there has been no instance of an increase of taxation being authorized by Parliament, except for the purposes of war, or of impending war, or under the circumstances of a great Continental war. Since 1842, the only years in which taxation has been increased were 1854 and 1855, when additional

burdens to the extent of £11,000,000 a-year were imposed for the Crimean War; 1859, when we were supposed to be on the verge of a war with France, and new taxes were raised amounting to above £4,000,000 a-year; 1867-68, when additional taxes to the extent of £2,500,000 per annum were imposed for the Abyssinian War; and in 1871, when the Germans were in occupation of Northern France, and the Income Tax was raised from 4*d.* to 6*d.* Except on those four occasions, at no time since the Income Tax was imposed by Sir Robert Peel, has Parliament sanctioned an increase of taxation. Can there, then, be any doubt that when, at the beginning of the Session, in a year of profound peace, we are asked to vote the Estimates, we are entitled to assume that we are spending money which we have got? But let us look at this question from another point of view. What do the Estimates comprise? No doubt the greater part of what the Government annually asks the House to vote is expenditure which, in the opinion of Her Majesty's Advisers, is essentially necessary for the well-being of the State. But some of the expenditure proposed in the Estimates is of a different character. I may describe it as "optional" rather than "necessary." It may be beneficial, and even remunerative; but should the Ways and Means be insufficient to defray it, we are clearly entitled to ask whether it cannot be postponed to another year. It is in this position that we find ourselves now, and it is, I conceive, our duty to review the proposed expenditure, and, while voting as much as is necessary for the public safety, to call upon the Government to withdraw what is only optional. Let me also remind the House of a rule of public finance which nobody has impressed on Parliament more clearly than did the Chancellor of the Exchequer in 1874. It is that, when increases of expenditure are proposed, Government and the Departments are bound to seek for corresponding economies elsewhere. In some directions you will always have to increase the public charge. In ordinary years you may with almost equal certainty make other reductions. But, so far as I can judge from the Estimates of the present year, this most important rule has been entirely neglected. What, then, is the increase of expenditure to which the

Motion of my hon. Friend points? I will take first the common method of comparing the expenditure of successive years. So far as I could follow the figures given the other evening by my right hon. Friend, and we have as yet no corrected report of his speech, the expenditure of 1876-7 is estimated at £78,044,000. This may be compared either with the Budget Estimates or with the actual expenditure of previous years. I find that the Budget Estimate of the last year (1873-4) of the late Government was £71,871,000; of the year before (1872-3) £71,313,000; of 1871-2 swollen by the Franco-German War, £72,308,000; of 1870-1, besides the Vote of Credit, £67,113,000; and of 1869-70, £68,223,000; and the actual expenditure of the same years, including that under the Vote of Credit on account of the Franco-German War, but not that for the Abyssinian or Ashantee Expeditions or the *Alabama* Indemnity, was in 1873-4, £72,466,000; in 1872-3, £70,714,000; in 1871-2, £71,490,000; in 1870-1, including that under the Vote of Credit, £69,548,000; and in 1869-70, £67,564,000. Thus the increase in the present year's Estimates is about £6,200,000 over the Estimates of the year 1873-4, and about £7,700,000 over the average ordinary expenditure of those five years. But I do not think that this is a fair method of comparison. I objected to it in 1873 when similar comparisons were made here, and I submitted on that occasion a calculation which was generally approved by the House, and is now, I believe, accepted by the Treasury as the fair and scientific method of comparison. According to that method you should deduct from the aggregate expenditure of the year all the revenue which is not levied by taxation, the difference, which will be of course the actual charge on the taxpayer, affording, on a comparison of year and year, the proper criterion, as I said, of the energy and success of Governments in dealing with the public expenditure. If we apply this method to the expenditure of 1873-4 and previous years, and to the Estimates of the current year, what is the result? For this year the Revenue, not in the nature of taxes, is estimated at £12,370,000, assuming £600,000 as the receipt for stamps in lieu of fees. If we deduct £12,370,000 from £77,580,000, the total expenditure

of the year, exclusive of that required for the extinction of Army Purchase, the net ordinary charge on the taxpayer will be £65,210,000. Now, according to the Return laid before Parliament last year, the net ordinary charge in 1873-4 was £59,773,000, and the average charge of the five years, from 1869-70 to 1873-4, was £59,650,000. The increase, therefore, in the proposed charge on the taxpayer during the current year is about £5,500,000 over that in 1873-4. Analyzing this figure of £5,500,000, I find the following result. The increased net charge for the Army and Navy will be about £2,300,000; for the Civil Service about £2,400,000; for other services about £250,000; and for the Debt a little over £500,000. At first sight, the latter figure may appear too small, for the gross increase in the charge for the Debt is much greater. It must be remembered, however, that from the gross increase must be deducted the interest on loans made by the Government, which, since 1874, forms part of the ordinary revenue. The extra receipts include £500,000 of interest on the old loans for public works, a considerable sum on account of new local loans, and the interest on the Suez Canal purchase paid by the Khedive of Egypt. The net increase in the charge of the Debt is thus only about the amount of the New Sinking Fund created last year. I will take next the Army and Navy increase. As to the Army, I have not much to say. The whole of the increase, about £1,000,000, is accounted for in the additional Vote for the Commissariat; and most of this, I conceive, is referable to the reduction of the soldiers' stoppage. The other Army Votes show, some of them, an increase and others a decrease, fairly balancing each other. But in the Navy expenditure I find that, with one exception, every Vote has been increased since 1873-4. Whether it be for pay, or supplies, or ship-building, or on whatever account, the expenditure all round has been allowed largely to increase. The one exception is the expenditure for works of a permanent character, and there a decrease of about £150,000 has been enforced. Stated generally, the increase in naval expenditure is £1,500,000 a-year, less this £150,000, on account of docks and other great works. I will now refer to the Civil Service expenditure, which exceeds that of 1873-4 by about

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£2,400,000. I think we on this side of the House have some reason to complain of the taunt which the Chancellor of the Exchequer addressed to us in his Budget Speech. He told us that we had been constantly charging the present Board of Treasury with insufficient control over the Civil Service expenditure, and he gave us some figures in refutation of this supposed charge. Now, I must say that this is a little ungrateful. I myself, and some hon. Friends of mine, went out of our way last Session to praise the Secretary to the Treasury for his exertions in keeping down the Civil expenditure; and perhaps the Chancellor of the Exchequer's present taunt is a fair punishment for our political error in speaking well of an opponent. What he has said, however, has led me to scrutinize the Civil Service Estimates rather more narrowly, and I am bound to say that they show a very different result from what I had imagined. The Chancellor of the Exchequer gave us two comparisons. In the first instance, he said that the increase in the Civil Estimates of 1876-7 over those of 1873-4 was £2,242,000, and that the Education Vote and the Votes in aid of Local Taxation accounted for an increase of £2,310,000. He forgot, in giving the former figure, that his Budget Statement included an addition to the printed Civil Estimates of £100,000 for a building at Manchester. But this is a small matter. When, however, I analyzed the Votes, I was struck by the peculiarity to which I have already referred in connection with the Navy—namely, that the charge for permanent works, under Class I., is greatly reduced—I may say starved—in order to provide a large increase in the Votes for Establishments. The fact is that, while the late Government were strongly pressed by Parliament to undertake, and did undertake, very large public works, hardly any new building has been taken in hand during the last two years, while many of the former have disappeared from the Votes. In this way Class I. has been kept down, while the Establishment Votes have been increased by about £200,000 a-year. But there is a far more serious matter behind. The late Government kept within their Civil Estimates; their Civil Service expenditure, I mean, never, or if ever only to a trifling amount, exceeded that given in the Budget. But the Civil expenditure

under the present Board of Treasury has in each year largely exceeded the Budget Estimate. In 1874-5 the Civil expenditure, excluding the subventions in aid of Local Taxation, was estimated at £11,287,000. It actually reached £11,462,000, showing an excess of nearly £200,000. In 1875-6 the Civil Service expenditure was estimated in the Budget at £12,656,000. It reached £13,119,000, showing an excess of about £450,000. If these figures are correct, the claim of credit for economy in the Civil expenditure of the Government entirely breaks down. The Chancellor of the Exchequer also gave us the actual expenditure for all Civil purposes in 1857-8 and 1873-4, as compared with the past year. He stated the first (1857-8) to have been £8,167,000, the second (1873-4) £10,304,000, and the charge for the past year £13,095,000. I had some difficulty in verifying the former figures; but at last I found them in the Return moved for by myself last year, to which I have already referred; and they appear to be the sum of Columns 3 and 4 in the Appendix. But the figures of the past year show a considerable increase. The fact, Sir, really is, that, while we may admit the good service of the Secretary to the Treasury, yet, in consequence of the pressure put upon him by the responsible heads of Departments—a pressure which beyond a certain point he, of course, is unable to resist—the Civil expenditure of the last two years has increased, and is increasing, I fear by rapid strides. But I will now refer to the Budgets of those years and the present Budget in a little detail. The suggestion which has been made, both by the Chancellor of the Exchequer and by others, is that, while in their first two years the Government had the good fortune to find a steadily increasing receipt at the Exchequer, this year my right hon. Friend is met by a great contraction of trade, and consequent inelasticity of Revenue; so that although in 1874 and 1875 he has been able to keep his expenditure well within his income, this inelasticity now prevents him from doing so. I shall be able, I think, to show that this is an entire delusion, not unlike that which prevailed last year with regard to the foundation of the Revenue Estimates as stated in the Budget. The truth is that there is a remarkable agreement between the increases of

Revenue which the Chancellor of the Exchequer anticipated in his three Budget Speeches. I decline, Sir, to treat the Budgets of Chancellors of the Exchequer in the fashion in which, during the last year or two, they have been dealt with by certain critics. What we have to look at from year to year is the Statement which the Chancellor of the Exchequer makes in April, and to compare it with the corresponding Statement of the previous April. Now in 1874 the Chancellor of the Exchequer took the normal increase of the three great items of revenue—Customs, Excise, and Stamps—at £1,648,000 over the past year's receipt. In 1875 he took the normal increase of the whole revenue over his Budget Estimate of 1874 at £1,650,000. And in this year he has taken the normal increase of his whole revenue over the Budget Estimate of 1875 at £1,645,000. He has thus calculated upon almost an even advance of revenue in each year; and both in 1874-5 and in 1875-6, his expenditure, though greatly increased, kept within his Ways and Means. But the peculiarity of the present Budget is that, while the increase of Revenue over the Estimate of 1875-6 is the same as the corresponding increase last year over the Estimate of 1874-5, the increase of expenditure is nearly double that of last year's. It amounts to no less than £2,656,000; and it is from this enormous increase, not from an estimated failure of Revenue, that the deficit arises. But assuming the deficit to be such as was stated by the Chancellor of the Exchequer, does it necessarily involve an increase of taxation? I must again appeal to my right hon. Friend to correct me if I do not state the figures accurately; but from his speech, and from the Papers on the Table, I collect that he looks forward to an expenditure—omitting for the moment the sum to be applied to the purchase of Consols in the market, and the estimate for a building at Manchester, which is not yet on the Table—of £77,364,300. His revenue will be £77,270,000, the deficit, according to this calculation, being only £94,000. I must remind the House that this expenditure includes about £3,500,000 applied to reduce the Debt through the process of Terminable Annuities. Now, what I think the House is entitled to ask the Chancellor of the Exchequer is—Are we to increase

taxation on account of this petty deficit of £94,000 or £194,000, or is it for the purpose of buying £600,000 Consols in the market? It cannot be decently urged on the former account; it is not inconsistent with all the pledges which have been given by him and others, that fresh taxation should be imposed to pay off Debt? To my mind, the only solution to the problem is, that the Chancellor of the Exchequer, knowing from bitter experience that his Colleagues will exceed their Estimates, that there are Supplementary Votes behind, and even then excesses to be voted next year, is now proposing to us an increase of taxation in order that the deficit thus occasioned may be provided for. I do not blame the Chancellor of the Exchequer for these anticipations. Just as last year he had in his breast an expectation of more Revenue than was set down in his Budget, so this year he cannot help feeling that more expenditure should be provided for. His first object of course is a surplus, and the pressure on the Treasury, about which he knows so much, the hopes held out at the last Election, and the knowledge that these promises have not yet been fulfilled, are a quite sufficient warning. I do not therefore blame my right hon. Friend in this respect; I would rather strengthen his hands in resisting pressure. For what are the facts about the Supplementary Estimates proposed by the present Government? Last year, not including the £500,000 required to settle accounts between the War Office and India Departments, they amounted to £1,000,000. I have already mentioned the excesses of the Civil Service expenditure over the Estimate; but what have been the excesses on the aggregate Estimates? In 1874-5 the total Budget Estimate of expenditure, excluding the Local Taxation subventions, was £72,948,000. The actual expenditure, also excluding these subventions, was £73,816,000; showing an excess of above £850,000. In 1875-6 the Budget Estimate of Expenditure was £75,522,000; the actual expenditure was £75,922,000, showing an excess of £400,000. It is just the same as it was in 1867 and 1868. Then, as now, the constant tendency of the Government and of the right hon. Gentleman the First Minister, was to pile up Supplementary Estimates, to exceed the

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Votes, and to close the year with a deficit. And this, Sir, brings me to what I think the House may not be unwilling to consider—namely, what lesson the experience of the last 10 years should give us, as to the comparative economy and extravagance of the present Government and of their Predecessors, who now sit on this side of the House. Sir, I think I shall be able to show that the history of Conservative finance, both before and since 1869, is the same. Of course I do not refer to the times of Sir Robert Peel, when economy was as much in favour with the Leaders of the Conservative Party as with the Party to which I belong; but since the right hon. Gentleman the Member for Buckinghamshire has been the leader of the Party opposite, there has been in operation that inbred sin, that *phronema serkos* of extravagance, which has given the country neither surplus, nor reduction of taxation, nor reasonable reduction of Debt. The present financial year will close a decennial period, during one-half of which the finances of the country will have been administered by the Party now in power, and during the other half by those at present in Opposition. For the finance of 1867-8, 1868-9, 1874-5, 1875-6, and 1876-7, you on the other side will have been responsible; for that of the other five years we on this side of the House. You took over both in 1866 and in 1874 a most flourishing finance. The Budget of 1866-7 was that of my right hon. Friend the Member for Greenwich; and, in spite of the terrible commercial panic of May 1866, the result of the year's public account was a surplus of £2,654,000. In 1874, also, you took over a surplus, omitting the *Alabama* and the *Ashantee* expenditure, of £4,870,000. But what did you do with these magnificent inheritances? The year 1867-8 closed with a deficit of £1,636,000; 1868-9 with a deficit of £2,380,000. In 1874-5 you had, it is true, a surplus of £593,000, and in 1875-6 of £710,000. This year you anticipate a surplus of £368,000 with the aid of the additional Income Tax. Your five years, therefore, show an aggregate deficit of £2,345,000. The five years of Liberal finance, on the other hand, show an aggregate surplus of £16,947,000. I may be told, however, that this is hardly a fair statement, and

that you ought not to be charged with the deficit arising from the Abyssinian Expedition. I will correct both sides of the account accordingly. I will give you credit for the excess of Abyssinian expenditure over the Income Tax raised to defray it, and I will diminish the surplus of the late Government, in the same way, by the excess of the Abyssinian Income Tax over Abyssinian expenditure; but, on the other hand, I will increase it by the amount of the special *Alabama* and *Ashantee* Credits in 1873-4. Correcting, then, the figures in this way, I think I shall have now put the matter upon a strictly fair basis. Your five years' finance gives a surplus of £1,278,000, say £250,000 a-year; and ours of £19,247,000, say £3,800,000 a-year. But, again, what have been the remissions of taxation in this decennial period? You do not, I imagine, take credit for those effected out of the £5,000,000 left you in 1874. Your remissions, then, amount to £210,000 on account of marine insurance in 1867, and £60,000 on account of brewers' licences in 1875; but, on the other hand, you are now increasing the Income Tax by a penny. You, therefore, on the balance of the account, have increased, not remitted, taxation. We, on the other hand, excluding the reduction, in 1869 and 1870, of 2*d.* in the Income Tax which you had imposed for the Abyssinian War, are to be credited with a net amount of £13,450,000 taken off the taxes in five years, an average of £2,700,000 in each year. And what has been done about Debt. The reduction we effected is palpable enough. According to the Return No. 185 of last Session, the Debt stood on April 1, 1869, at £805,500,000, and on April 1, 1874, at £779,300,000. The net reduction in those five years was, therefore, £26,200,000; and this after raising £12,000,000 for the purchase of the telegraphs, and for fortifications. From the total, £38,200,000 must, however, be deducted £8,000,000 of cancelled Stock, formerly belonging to the Chancery and Bankruptcy Courts. There remain, after this allowance, above £30,000,000, the impression on the Debt made by our economies in five years, through the operation of the Sinking Fund and Terminable Annuities. But how stands the case with you? On April 1, 1867, the Debt stood at

£805,700,000; and on April 1, 1869, as I have already said, at £805,500,000. You did, therefore, nothing at that time. As far as I can estimate it will stand at above £775,000,000 on April 1 next; and, if so, your entire net reduction will not have much exceeded £4,500,000. But allowing for what you have had to raise on account of the Suez Canal and local loans, you may, I think, be credited with £12,500,000 as against our £30,000,000. Let me recapitulate. Our five years' surplus will be, in round numbers, £19,000,000; yours £1,250,000. Our remission of taxation, £13,500,000 a-year; yours nothing. Our reduction of Debt £30,000,000; yours £12,500,000. Sir, these figures are startling, but they are true. They cannot be met by pleas such as we have heard during the last two years—that a few iron-clads want boilers, and that there is a deficiency of unarmoured gun-vessels. They point to much more palpable causes; and, in one sense, and in one sense only, they justify the prudence of the Chancellor of the Exchequer in asking us for more Ways and Means. As I have said before, I cannot help feeling that across the page of my right hon. Friend's Budget passed the shadow of coming demands; and that to this, and this alone, is due the increase of taxation which we are now invited to approve. If this be the case, the Resolution of my hon. Friend can only strengthen the Chancellor of the Exchequer. He has described himself as jealous of increases of expenditure, and as doing his best to resist them. I have shown how easily he can make both ends meet. He has only to impress upon his Colleagues that they must now employ the language of thrift, instead of concession. Let me once more quote the words, formerly used with such effect in this House, *Magnum vectigal est parsimonia*—"Economy is the best Ways and Means." And if the House requires it, I think I can give them, from our recent financial history, a precedent for insisting on this rule, which may not be inappropriate. I told the House, some minutes ago, that, since 1842, Parliament had never increased taxation except for purposes of war. That was literally true; but, so far as the annual Budget is concerned, there was one notable exception. In one year, a Government as strong as the present, and under circumstances not unlike those of 1876, did recommend to

Parliament an increase of the Income Tax. The year was 1848, and the Government was that of Lord Russell. The Budget showed an estimated expenditure of £54,500,000 with a revenue of £51,250,000 only; and it was proposed to make good the deficiency by an increase of the Income Tax to the extent of £3,500,000. The reasons for that proposal were very similar to those adduced by my right hon. Friend. There had been a large increase of expenditure, in all about £2,000,000, during the two preceding years. Much of that was due to grants in aid of Local Taxation. Trade was bad; the exports of the year fell off by above 10 per cent; the state of Europe was perilous; and the Duke of Wellington's warnings as to the defences of the country were ringing in men's ears. So necessary did this strong Government, with a majority of 100, consider an increase of Revenue, that the Budget was brought forward not by the Chancellor of the Exchequer, but by the First Minister, with the full force of his authority. And yet what happened? Economy possibly was a little more in favour than it is now. Anyhow, it was to economy that men's minds were first turned. No one denounced the Budget with greater vigour than the right hon. Gentleman the Member for Buckinghamshire, and after many and long discussions it was withdrawn. In the last month of the Session it was brought forward again—£200,000 had been taken off the Navy Estimates, £150,000 off the Army, £480,000 off the other Services. The Revenue was more hopefully looked at, and the Chancellor of the Exchequer was able to withdraw altogether the proposed increase of the Income Tax. What was the result? In the following Session he came down to Parliament with a statement that, without incurring any addition to the Debt, the expenditure had been kept within the Revenue, and that he had a small surplus. In that year, 1848, the cry of the right hon. Gentleman the Member for Buckinghamshire and his Friends was—"Take back your Budget." I venture to repeat that advice to the present Chancellor of the Exchequer. I would say to my right hon. Friend,—Tell your Colleagues that the House of Commons is unwilling to let the year 1876 be the first exception to the rule that, in time of peace, the expenditure must be kept within the

existing income. If, through weakness or apathy, you break into this rule now, it will not be the last time; but when still further demands are made, they may not be received with the same indifference or indulgence as now. Sir, my warning may not be heeded; but I feel sure that the time will come when it will be remembered by the country.

MR. HUNT said, he rejoiced that the right hon. Gentleman opposite (Mr. Childers) had made an elaborate speech upon the financial proposals of the Government, because now they knew what charges they had to meet. As the hon. Member for Burnley (Mr. Rylands) had referred to the financial administration of former Conservative Governments, it might be expected that some defence of that policy should be offered. The hon. Member, however, had adopted the plan pursued in French Courts of Justice, and not only charged the Government with their present offences, but went through the whole of their past career and had brought forward everything that could be raked up against them with reference to their financial administration. The only objection that he (Mr. Hunt) intended to raise to that course of proceeding on the part of the hon. Member was founded on the shortness of notice which had been given to Her Majesty's Government, who were consequently not prepared to answer the charges relating to the past in detail. He was fully prepared to rebut any charges which related to the present financial administration of the Government; but he was taken by surprise when he was called upon to answer charges founded on the conduct of Ministers in 1867 and 1868. As, however, the charges had been made, he would do his best to meet them as well as he could. The hon. Member had complained that the estimate for the Abyssinian Expedition had been largely exceeded. In reply to that allegation he had to state that the Abyssinian Expedition was conducted under very novel conditions by the Government of India, and that it was not directly under the control of the Home Government, and under such circumstances it was not to be wondered at that the original estimate had been exceeded. And further he asked the hon. Member whether he could point to any war carried out by this country under any conditions in which the original estimate had not

been exceeded? It must be remembered that the Expedition lasted longer than was anticipated; and if he remembered accurately, he had informed the House at the same time that the Expedition would not cost a particular sum, but so much per month—and of course if the duration of the Expedition were prolonged beyond the period at first calculated, the cost of it would necessarily be correspondingly increased beyond the original estimate. It was, however, impossible for him at so short a notice to go back through the whole details relating to the expenditure on the Abyssinian Expedition. Then the hon. Member made a charge against the present Government with regard to the purchase of the telegraphs. He (Mr. Hunt) declined to take upon himself the responsibility for the conditions of that purchase, seeing that the purchase was completed, not by the Government of which he was a Member, but by that which succeeded it, and seeing that the latter had entirely altered the conditions on which the purchase was made by insisting on a Government monopoly of the telegraphs which was not contemplated by their Predecessors. The noble Lord who was now the Leader of the Opposition, but who was then Postmaster General, had informed the House in 1869 that the profits of the companies had so largely increased during the then past years, that had the arrangement for the purchase of the lines to be made then it could not have been done upon such favourable terms. Under these circumstances, he did not think that much blame could attach to the present Government for the part they had taken in this matter in 1868. Passing to the other great point in issue, he had been anxious to hear the hon. Member go into the question of the increased expenditure by the present Government, but the hon. Member had contented himself with the general statement that they had increased the expenditure by £1,500,000 without descending to particulars. The hon. Member appeared to assume that the increase in the Estimates was altogether due to an increase in the expenditure, but that was not his (Mr. Hunt's) view of the present state of things, for in his opinion it was due almost entirely to a transfer of burden. The hardships pressing upon the local ratepayers had for a long time been

urged upon that House, and the present Government had consented to lighten that burden by transferring a portion of it from the ratepayers to the Imperial Exchequer at a cost to the latter of £1,400,000. The hon. Member treated that as an increase of expenditure; but it was not so. A sum of almost similar amount was devoted by the Chancellor of the Exchequer towards the reduction of Debt, including also the cost of the scheme for Terminable Annuities created in 1874. Then there came the very large item of expenditure necessary for carrying out the scheme which had met with universal sanction for the improvement in the education of the people, amounting to £830,000. Therefore, £3,500,000 of the so-called increase in the expenditure was absorbed by those three heads. The hon. Member further charged the Government with having added to the distress of the farmers, and he said that those remissions, given on our part as the farmers' friends were extinguished by the addition of 1*d.* to the Income Tax. He (Mr. Hunt) might retort that that addition was merely replacing that which was taken off last year, but he would rather tell the farmers that if they had made an addition to the Income Tax they had greatly relieved them as to the burden of their local rates. He was proud to number himself amongst those whom hon. Gentlemen opposite derisively called the farmers' friends, and he believed, whatever hon. Gentlemen opposite might sneeringly say, they were sufficiently intelligent to appreciate what had been done for them by the present Government, and how long and hopelessly they would have had to look for a similar relief from the right hon. Gentleman and his Friends. He believed also that to the observations of the hon. Member they would turn a deaf ear. In speaking of the Estimates for 1874-5, the right hon. Gentleman the Member for Pontefract had failed to observe that the £500,000 required this year to adjust the accounts between the War Office and the Government of India, was a sum which had been accumulating between five and six years, and it had only recently come to the knowledge of his right hon. Friend at the head of the War Department that there was any such outstanding debt at all. As the right hon. Gentleman compared the financial administration of the present

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Government with that of the late Government, he should call on the late Government to explain how it was that those arrears were accumulating against the War Office as due to the Indian Government. The right hon. Gentleman talked about the excess of the Navy Estimates for 1874-5, but he did not call attention to the excess of the previous year; if he had, he would find that the excesses of those two years were almost identical. He (Mr. Hunt) admitted that such excess was a great fault of administration, and he was not going to defend it. The excess of 1874-5 was not of his making, and having ascertained that such an excess was possible without coming to the knowledge of the head of the Admiralty, it had struck him as being so monstrous that he took the first opportunity of altering the arrangements under which it occurred. The right hon. Gentleman the Member for Pontefract told the House at the commencement of his speech that he approved of the proposition of the Chancellor of the Exchequer for meeting the deficiency that would otherwise arise, but that he could not understand how it could have been entertained by the Prime Minister, on account of certain observations which that right hon. Gentleman made in that House in 1871 on the subject of the increase of Income Tax. But in 1871 the Income Tax stood at 4*d.*, and a proposition was made to increase it to 6*d.* In the present year the Income Tax was 2*d.*, and it was proposed to increase it to 3*d.* The difference of the circumstances under which the two propositions were made he (Mr. Hunt) thought justified the different view taken by the Prime Minister, and there was no inconsistency in the course taken then and now by the right hon. Gentleman. The right hon. Gentleman the Member for Pontefract having pointed out how excessively dangerous the exemptions were, went on to state that he intended to support the plan. The right hon. Gentleman thought —

MR. CHILDERS: I said nothing of the kind.

MR. HUNT: If they were so dangerous —

MR. CHILDERS: I did not say so. I said that if it was necessary to have additional taxation, I agreed that it should be by way of the Income Tax, but I criticized the exemptions.

MR. HUNT said, he understood the result of the criticisms of the right hon. Gentleman to be that if the expenditure must be increased, he would support the plan of the Chancellor of the Exchequer. And he went on to say that there was no mention of an addition to the Income Tax being imposed except in the case of war.

MR. CHILDERS: I used most carefully these words, "war, impending war, or the circumstances of war."

MR. HUNT: In 1871 an European war was waging; but when the increase was imposed, there was no prospect of our being engaged in war. The increased Estimates of 1871 were required to make up the normal deficiencies of the provision made for the great Services at the commencement of the year, and if proper provision had been made at the commencement of the year the additional Estimates in view of the war then waging would not have been required. The right hon. Gentleman had compared the expenditure proposed and incurred in 1873-4 for the great Services and that proposed for this year. He had always observed that in making comparisons in that House the figures taken were those most favourable to either Party, and the right hon. Gentleman had not departed from it on that occasion. The difference in the Estimates and expenditure for 1873-4 was £250,000, which was a considerable sum to be added to the Estimates to be put before Parliament. But he preferred to compare the actual expenditure with the Estimate of the year. The right hon. Gentleman went on to say that he thought the increased Estimates for the Army were perfectly justifiable, but that he could not say the same thing with regard to the Votes proposed for the Navy. He said that every Vote for the Navy was in excess of what was taken in 1873-4, with the exception of Vote 11, the Vote for Works. He (Mr. Hunt) believed the right hon. Gentleman was nearly technically accurate in what he said, but there was a large reduction in Vote 11, and under Section 1 of Vote 10. There was also a small reduction under Vote 13, and there was a small reduction under Section 2 of Vote 16. This part of the subject was one which came under his (Mr. Hunt's) administration, and he felt bound to go into some particulars. The question of the Civil Service Estimates no doubt would

be fully dealt with by the Chancellor of the Exchequer or by the Secretary to the Treasury. In the year 1873-4, after deducting the expenditure for the Abyssinian War and the Ashantee Expedition, the actual expenditure was £10,245,000. The Votes for 1876-7 were £11,091,000, or £846,000 more than the expenditure in 1873-4. Of that sum of £846,000, £96,000 was what had been called "automatic" expenditure, over which the head of the Admiralty had no control whatever—namely, half-pay, retired pay, and pensions; so that, whatever Government was in power, the expenditure must be the same. A great deal of that expenditure was owing to the policy of the right hon. Gentleman respecting his Orders in Council for retirement, into which he would not now enter. There was also the sum of £86,000 for the transport of troops, over which the Admiralty had no control, making a sum of £150,000 to be deducted from the apparent excess of £767,000, over the expenditure of 1873-4, and without going into the *minutiae* of the several Votes, he (Mr. Hunt) thought he might state generally that the excess was owing to the policy which he had adopted with the sanction of his Colleagues of increasing the provision for shipbuilding. The addition to the 1st Vote was mainly owing to the improved pay of warrant officers and to one or two other matters in which he would not enter. The increase of Vote 4 was one on which he thought they must congratulate themselves, for it represented a very large increase of the Royal Naval Reserve. He was anxious that when the expenditure of the Government was challenged, the House and the country should know that they got the worth of their money. In the two years during which he had been at the Admiralty—he did not say "*Post hoc, ergo propter hoc*," because the change made by his Predecessor in office no doubt might have largely contributed to that addition, but the fact remained that in those two years our Naval Reserves were increased from 13,758 to 17,958, or by 4,200 men. So largely, indeed, had that Force been recruited that he had thought himself justified in providing in the current year for 20,000 men, seeing the increased numbers that had been coming in within the last few months. That had considerably swollen Vote 4, and also correspondingly aug-

mented the Victualling Vote No. 2, because they required a larger supply of provisions for the men when under training, and also of clothing, which came under the Victualling Vote. Moreover, in consequence of the rise in wages he had found it necessary to increase the inducements held out to boys by granting them a free kit. In that way Vote No. 2 had been increased by £15,000. These were all small sums; but the principal increase was in the shipbuilding Votes, the Votes for the Dockyards, the Vote for building by contract, and also for machinery. He thought it right to show, as he had done on introducing the Navy Estimates, that the increase was not only justifiable but absolutely necessary. If he were asked who was responsible for that increase, he should say to the right hon. Gentleman the Member for Pontefract, "Thou art the man," because what they had been suffering from in the Navy for the last few years was what he must call the unwise reductions made during that right hon. Gentleman's administration. The right hon. Gentleman had contrasted the remissions of taxation made during five years of Liberal Administration and during five years of Conservative Administration. The comparison looked very flattering to the Liberal Administration, as stated by the right hon. Gentleman, but certain circumstances must be taken into account before they pronounced his comparison altogether just. The right hon. Gentleman referring to the short period, a little over two years, when the Conservatives were last in office, said they had only relieved a certain portion of the community from the payment of stamps on re-insurance and made some other trifling remissions. But did he tell the House that they succeeded to office just after a great financial crash? [Mr. CHILDERS: I said so distinctly.] He was not aware of it; but no Government whatever, coming into office after such a great financial crisis, with a languishing trade, and a Revenue flowing in in a less copious stream than it had done before, could have been expected to make a large remission of taxation. It was, on the other hand, their Predecessors' good fortune to be in office at a time when trade was flourishing, and the Revenue increasing by "leaps and bounds." Again, since the present Government had been in office, it was a

fact, for which they were not responsible, that from the vicissitudes of trade they had not found the Revenue showing that elasticity which might allow them to make large reductions of taxation. But, he asked, were all those large remissions made by the Liberal Government legitimate remissions? Was all the money at their disposal properly laid out on those remissions? Had they left the Navy in a proper state to their successors? He had heard of the steward of some great man who for some years handed over to his employer's bankers a much larger income than he had ever enjoyed before, and the employer thought he had got hold of the best manager he ever engaged. But after a certain number of years he found that the buildings on his property had become dilapidated, and instead of following the wholesome old proverb—"A stitch in time saves nine," things had been getting from bad to worse, and a large part of his income was swallowed up in repairing his decayed barns and houses. Could the right hon. Member (Mr. Childers) say that something of that sort had not happened in the case of that Administration in whose large remissions of taxation he took such pride? He (Mr. Hunt) had a Paper before him the other day which he promised to present to the House, showing that the value of the naval stores of the present day was £2,000,000 less than in 1866. He believed that those stores were now adequate for their present purpose. He was not finding fault with those who reduced them, though he might criticize certain points of detail; but, at all events, the fact that the stores were in such excess that they could be reduced by the value of £2,000,000 enabled the Liberal Government of the day to go on making large remissions of taxation. Then, with regard to the state of our ships—and it was on that ground that he had urged upon his Colleagues and the House the necessity of taking steps to improve the condition of the Navy—the hon. Member for Burnley talked about the progressive expenditure of the Government, and he admitted that in naval matters, since he had had the conduct of them, their expenditure had been progressive, and he looked on that fact as a testimony to the thrift he had displayed in his Department. He had been unwilling, until he

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saw it was absolutely indispensable, to ask the House for a shilling of increased expenditure. In 1874 he endeavoured to give the House a faithful account of the state of our iron-clad Fleet, and he was then told that he was not justified in asking for so small an addition to the Dockyard strength on the Estimates. He had hoped that what he then asked for might have been sufficient in the course of two or three years to provide for the necessary repair of those ships which were then unfit for service. Subsequent experience, however, showed him that his estimate was too low, and that it was absolutely necessary to ask the House for a larger number of men, and also to increase the Vote for Stores. That was a progressive increase, but it was forced upon him by his conviction that the increase he had originally proposed was insufficient. What happened the other day when the Navy Estimates were introduced? The hon. Member for Pembroke (Mr. Reed), who was thought no mean authority on those matters, challenged his Estimates, and declared that he did not think our Navy sufficiently strong in comparison with the fleets of other Powers? And yet what was the difference at the time that challenge was made between the condition of our Fleet and its readiness for war and the condition in which he found it when he entered on his present office? When they were accused of extravagance and progressive expenditure he felt bound to repeat what he had said for the most part on a former occasion. The statement he made in 1874—and he had never departed from his assertion on that occasion, and all his subsequent experience had confirmed it—was that there were at that time only 14 iron-clad ships fit for general purposes in a generally effective state, in the proper sense of the word. He put aside on that occasion special ships—ships for coast-defence, special rams, and he also put aside the *Devastation*, of whose sea-going qualities they had not then the experience which they had now; and he then stated that they had only 14 ships thoroughly effective in the proper sense of the word. At the present time, putting aside all those special ships, there were 20 effective iron-clads, and in the course of a few months there would be 21, notwithstanding the loss of the *Vanguard*. But that was not all.

The right hon. Gentleman the Member for the City of London (Mr. Goschen) asked him the other day if he (Mr. Hunt) was going to send round the ships that had been repaired, in order to induce people to submit to another 1*d.* Income Tax. The fact was that the whole of the increase on the Navy Votes would not absorb a 1*d.* Income Tax, or anything like it. But what was the difference between the progress of iron-clads under construction when the right hon. Gentleman resigned office and the present progress? He found that there were then six iron-clads in course of construction; now there were 10. On the 28th of March, 1874, the amount of tonnage of iron-clad ships in course of construction was 10,505 tons. At the present time the tonnage of iron-clad ships in course of construction amounted to 33,236 tons, there being thus a difference of 22,731 tons, representing respectively in iron-clad strength 3½ ships of the *Alexandra* type, 4 *Téméraires*, 3 *Inflexibles*, 6 *Shannons*, and 5 *Nelsons*. That was the addition to their iron-clad strength which resulted from the increased Estimates which he had induced the House to sanction. It was only justice to the right hon. Gentleman, however, to say that he had intended himself to propose an addition of 800 men to the Dockyards, and, so far as he had induced his Colleagues to consent to it, he was, of course, entitled to a share of whatever merit there might be in the figures just stated. But it was after that great increase in our naval strength that the hon. Member for Pembroke challenged him to say whether we were strong enough. Now, as he told the House the other day, he had experienced a great want of unarmoured ships. The establishment on foreign stations was considerably below that which was sanctioned by the right hon. Gentleman the Member for Pontefract (Mr. Childers) when at the head of the Admiralty, after consultation with Foreign and Colonial Ministers. But the present Government had not been able to keep up the establishment he laid down. It had been a struggle with them ever since they came into office to keep up foreign reliefs, and he (Mr. Hunt) had been obliged to continue a practice which he strongly disapproved—namely, that of commissioning ships on foreign stations for long periods without their undergoing a

thorough overhaul. As he had already told the House, if war broke out immediately, he should not have a single unarmoured ship at his disposal that was not already in commission, all available ships of that kind, in fact, being required for ordinary peace purposes. Under these circumstances was it not, as he had said, his bounden duty to come forward and propose an increase? As he had already told the House also in regard to unarmoured cruisers, we were entirely without those river-service gunboats which had been found so useful in Chinese wars, for they had all perished, and he had felt it his duty to supply that want. It was under those circumstances he had come forward and asked the House to allow him an increase of nearly £500,000 in the Vote for shipbuilding by contract, and he felt that if he had asked anything less than that he should not have discharged his duty. It was a disagreeable task for a Minister to ask for an increase of expenditure. As regarded its terms, he certainly concurred in the Motion so far as to regret that a progressive increase in the expenditure should have led to a proposal for adding to the Income Tax, and he regretted that progressive increase was necessary, but, it being necessary, it seemed to him the duty of the Government to propose it and the duty of the House to vote it. And if the hon. Member who moved the Resolution thought, as he said, that whatever might be the opinion of the House there was an opinion out-of-doors which would condemn the proposal of the Government, he (Mr. Hunt) ventured to tell him there was no issue on which he would more willingly appeal to the country than that of making provision for our naval power, and maintaining that naval supremacy of which we were all so proud.

MR. O'REILLY, in answer to the challenge of the right hon. Gentleman the First Lord of the Admiralty as to whether any war had ever been brought to within its originally estimated cost, would refer the right hon. Gentleman to the instance of the Ashantee War, which had cost even less than the estimate. What he (Mr. O'Reilly) complained of was the constant excess of expenditure of a Conservative Government over the Estimates, and, in his opinion, the naval expenditure under the present First Lord of the Admiralty had been the most signal

instance ever brought under the notice of the House. The Government, however, were challenged, not on a point of detail, but on their general financial policy. The question raised by the Resolution was this—What was the proper function of the Government and the heads of the great spending Departments with regard to the country in financial matters? His idea of the duty of a Minister was that he should well consider the position of his Department, looking to the future as well as the past, and that he should state his views on the whole probable future expenditure in connection with it. The Chancellor of the Exchequer ought also, in his opinion, to give in the same way a general view of the finances of the country, not restricted to 12 months only, and he should not rashly throw away money one year which might be needed in the next. There were only two circumstances which would justify an addition to the taxation of the country—a falling Revenue and unforeseen events. Had the Revenue fallen in one single year below the estimate of the Chancellor of the Exchequer? On the contrary, the increase had been steady and progressive. Had there been any unforeseen circumstances? It was to be assumed that both the First Lord of the Admiralty and the Secretary of State for War had warned the Chancellor of the Exchequer of the increased expenditure which they had this year demanded. The Miscellaneous Estimates had been swollen by the addition to the Education Vote and the subvention in aid of Local Taxation. The former must have been foreseen, and with regard to the latter the Chancellor of the Exchequer ought to have stated that he intended to allot about £1,500,000 for this purpose, and that this meant the retention or imposition of 1*d.* in the Income Tax. As he had said, in common with other Conservative Governments, it had been steadily the practice of the present Government to exceed their Estimates. The increase of Expenditure on the Army and Navy had been £2,250,000, and on the Civil Service Estimates it had been £2,240,000. The increase of £900,000 on the Education Vote was necessary, but might have been foreseen, and as to the £1,400,000 voted in aid of Local Taxation, it might not have been foreseen, and further, was not necessary. Every one knew that the expenditure was rising year by year. If

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the Ministry knew it, they ought not to have given away Revenue, and if they did not know it, they had simply drifted into a deficit. The Opposition were therefore justified in challenging the expenditure as a whole, and were not called upon in such a Motion as this to criticize individual items. He contended that looking at that expenditure as a whole the increase was both unnecessary and impolitic, and there was nothing in the state of Europe which could justify it. The strength of the country lay in its great financial reserves, and if they went on swelling their annual expenditure and increasing taxation they would sap the foundation of their strength as a nation. He altogether disapproved the manner in which the Chancellor of the Exchequer proposed to meet the expenditure of the year, regarding it as bad in principle and injurious in its effects. He looked upon it as a bribe to certain classes in the country to acquiesce in an increase of taxation, because they were themselves exempted from it. It formed a dangerous precedent, in diminishing responsibility where it ought to exist, and in affording a specious argument in favour of the popular fallacy which prevailed so much on the Continent, but, he hoped, never would be adopted in this country—namely, progressive taxation. Of late years political power had been given to the lower classes; but the sense of responsibility which ought to attend the bestowal of political privileges was taken away by the increased exemptions proposed by the right hon. Gentleman, while in another view the loss entailed on the country by the exemption in question would, in the case of Income Tax at 1*d.* in the pound, amount to no less than £360,000. Whatever the vote on the Resolution of his hon. Friend the Member for Burnley might be, he believed the people of the country would regret the progressive increase of expenditure recommended by Her Majesty's Government.

SIR JOHN SCOURFIELD thought the present was not an appropriate occasion on which to discuss the general question of the manner in which the Income Tax was assessed or the exemptions that ought to be made with regard to it. As the Motion of the hon. Member for Burnley (Mr. Rylands) was framed, it was one which the House, and Conservative Members generally,

might agree to without very much compromising themselves. It said that the House regretted the progressive increase of expenditure. Of course, they all regretted an increased expenditure; but he did not see how an increase could be otherwise than progressive. He had never heard of a retrograde increase. If the hon. Gentleman, instead of using the word "progressive," had used the word "unnecessary," there would be a definite issue before the House, and it was upon that issue that he would argue the question. The hon. Gentleman who had last addressed the House (Mr. O'Reilly) said he would not go into details, but take the expenditure as a whole; but he apparently forgot that the whole was made up of items, and what the House had to consider was whether those items were necessary or otherwise. As far as the increase and cost of the Army and Navy was concerned, he (Sir John Scourfield) had no hesitation in ascribing it to the inventive genius of the age, both as applied to ships and weapons of war. If people were only a little more stupid we should have a less expenditure; but no sooner had we adopted one description of weapon, or one system of shipbuilding, than some one improved on it, and we were obliged, unless we were content to lag behind, to adopt the new system. The Prussians had beaten the Austrians to a great extent by means of the needle gun, which was then considered the best weapon of its kind; but it had since to give way in favour of a superior gun, which in its turn was superseded by one still better. The same thing applied to our Navy, and it was the duty of the Government not to allow other nations to surpass us either in our vessels of war or our naval armaments. Two years ago he had taken the Chancellor of the Exchequer to task for reducing the Income Tax, observing that he did not consider when there was a large Debt there was a real surplus. He now modified that statement, and said that as long as there was a large National Debt there was no embarrassing surplus. Reference had been made to the relief afforded to local taxation. But he thought that was perfectly justified by the circumstances; for there was no doubt that local expenditure had been considerably increased by the increased cost of the maintenance of lunatics, and the cost of the main-

tenance of the police, the superannuation fund of which was in a very unsatisfactory condition. The cost of the Civil Service, too, must continually increase owing to the advance in the price of labour. It was that which led to the constant demands which were being made upon the Government for increased salaries in all Departments of the public service. With respect to the Income Tax, he believed that any reduction would have been perfectly impossible, for there was no means of filling up the gap that would have been occasioned by such reduction. He therefore thought that blame for a deficiency in the Revenue did not come with good grace from hon. Members opposite, seeing that the right hon. Gentleman the Member for Greenwich had offered to abolish the Income Tax altogether, and thus sweep away £6,000,000 of Revenue. In his opinion, there had been a rash reduction of Revenue during recent years, and he was afraid that the time would come when we should repent this destruction of all our sources of income. The reductions of taxation effected by Sir Robert Peel had produced striking and immediate benefit to the community, but those of the late Administration had done no good to anybody, while they involved a lamentable sacrifice of Revenue. He could not understand what the hon. Member wanted the House to do. If he asked for his sympathy on account of the increased expenditure of the country he would give it him, but he hardly thought that would afford him any consolation. He complained of the enormous increase of our armaments; and the only thing he (Sir John Scourfield) could suggest as a remedy was, that that eminent gentleman, Sir Joseph Whitworth, should be induced to construct a gun that would destroy the whole human race in half-an-hour, and then there would be nothing left to complain about, for there would be nobody left to complain.

MR. RICHARD: Sir, I concur with my hon. Friend the Member for Burnley (Mr. Rylands) in lamenting the constant and enormous increase of the national expenditure; and yet I know of few things more idle and unprofitable than to indulge in such lamentations in this House. We are sometimes called the guardians of the public purse, but that must be surely on the principle of *lucus*

a non lucendo, because we do not guard, or attempt to guard, the public purse. My experience is this—that no amount of money can be proposed by any Government that will not be eagerly voted in this House, not only by the immediate adherents of the Government making the proposal, but by an overwhelming majority of hon. Members on all sides. And looking at that amiable facility of temper on the part of the House, perhaps we ought to regard the demands made by the Government as characterized by remarkable modesty. Lord Clive, when, in the latter years of his life, he was charged with rapacity, on account of the large sums he had taken from Meer Jaffier, and remembering the immense treasures which had been exposed before him, with perfect liberty to help himself to any extent, exclaimed—"At this moment I stand astonished at my own moderation." And so, seeing how readily the House responds to their requirements, the right hon. Gentlemen the Secretary for War and the First Lord of the Admiralty may be induced to use the same exclamation. I am not going to indulge in any Party criminations on the subject, for all parties seem to me, to a large extent, to be tarred with the same brush. There is, however, this difference, that the Liberal Party do profess to make economy and retrenchment one of the most important articles of their political faith, though they too frequently forget their professions when in office. But the Conservative Party frankly avow that it is their duty and delight to dip their fingers into the public purse as deeply as they can without provoking disaffection towards themselves in the country. They openly brand economy with opprobrious epithets. It is cheese-paring, parsimony, meanness. They tell us that the Administration of a great country like England should be conducted in a liberal and generous spirit. Well, liberality and generosity are, no doubt, fine qualities, provided they are exercised at one's own expense; but when they are exercised at another man's expense, it is a very different matter. I believe that the tendency to increased expenditure, which we witness under every Government, proceeds from the same source, and that is, want of courage to resist the clamorous importunities of the Services. The Services are like the

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daughter of the horse-leech, whose cry is continually "Give, give," and the misery is, that however much you give them, they have nothing to show for it. To pour money into the hands of the Services is like pouring water into a sieve. According to my calculations, we have during the last 20 years, from 1856 to 1875, spent £550,000,000 on our defences, and yet at the end of that time we are constantly told that we are absolutely defenceless. It is, indeed, most remarkable how every branch of the Service is denounced as utterly unsatisfactory by someone or other who claims to be an authority on the subject. The noble Lord the Member for Haddingtonshire (Lord Elcho) has published some able speeches to prove that the Army is, if I may so speak, in a state of liquefaction. The infantry, he says, consists of only "skeleton battalions, not clothed with flesh and blood." My hon. and gallant Friend the Member for Sunderland (Sir Henry Havelock) told us last year that the cavalry was in a deplorable condition, and the other day he added the consoling assurance that the Indian Army is rotten from head to foot. The hon. Member for Hackney (Mr. J. Holms) declares that he is not the only one who has made that declaration, that our Militia is a sham Army. The leading Conservative journal stated a few weeks ago that our Militia and Army Reserve is "a costly sham." One of the military journals which fell lately into my hands says of the Volunteers, that "indiscipline and want of respect for authority have made them ridiculous in the eyes of the general public and worthless in the estimation of the War Office," and adds that "they deserve a better fate than to be made the laughing stock of the country." And as for the Fortifications, many persons whose judgment on such questions is entitled to respect, maintain that they are totally untrustworthy for the very objects for which they were built. The hon. and gallant Member for Stamford (Sir John Hay) once said in this House that the sea forts at Spithead were entirely useless, or rather that they proved admirable marks to guide an enemy into the harbour, and my hon. Friend the Member for Pembroke (Mr. E. J. Reed) in an interesting little book he has recently published, *Letters from Russia*, says that many naval officers are of the same opinion. But if we have

no Army, or Volunteers, or Militia, or Fortifications to speak of, surely we have an effective Navy? Not at all. When the Naval Estimates were brought in, my hon. Friend the Member for Pembroke demolished our armoured fleet, or, at least, reduced it to very small dimensions. According to him, we have 49 finished, and seven unfinished, iron-clads, and, judging by his standard, we may consider seven of these 49 vessels effective. Then the right hon. Gentleman the First Lord of the Admiralty followed him, and, after expressing his great satisfaction at the speech of the hon. Gentleman, straightway proceeded to demolish our unarmoured fleet, for he gave us a long list of frigates and corvettes, and sloops, and gunboats, amounting to about 135, and then told us that by far the greatest number are condemned, out of repair, or unserviceable; so that it comes to this—that after spending £550,000,000 in 20 years on the Services, according to the testimony of those who ought to be authorities, we have nothing to show for it—no Infantry, no Cavalry, no Militia, no Volunteers, no Reserve, no Fortifications, no armoured Navy, no unarmoured Navy—nothing, in short, on which any reliance can be placed as a means of defence. Do not let the House imagine that I adopt these charges as to the inefficiency of the various branches of the Services. On the contrary, I have such confidence in the gallantry of our brave defenders that I should feel perfectly safe, and sleep quite comfortably in my bed, if there were only half the number. I know the usual defence of this expenditure on our armaments. We are told that the money paid for them is in the nature of an insurance—like insurance against fire. But surely the most timid of housekeepers would feel that he was paying rather dearly for his fears if he had expended, as we are doing, one-third of his income in insurances, especially if he were told by those to whom he had paid the money that, after all, he was not insured. But I want to know what reason or justification is offered for this vast addition to our military expenditure—amounting to £2,300,000—since the present Government came into power. The right hon. Gentleman the First Lord of the Admiralty has boasted to-night of the iron-clads he has built or is building; of the

number of tons he has added to the Navy. But what is it all for? The foreign policy of the Government has been, on the whole, a sober and sensible policy. Before hon. Gentlemen opposite came into power there was a great deal of talk about the necessity of a more spirited foreign policy. But, so far as I know, the only illustrations we have had of their spirited foreign policy have been afforded by three measures. First they annexed Fiji, and immediately afterwards one-third of the unfortunate Natives perished by the infectious diseases we introduced among them. Then they went into the market, and bought some shares in a canal; and, finally, they frightened, or tried to frighten, the Russians in Central Asia, by giving the Queen the title of Empress. Otherwise their foreign policy has been quiet, peaceful enough. Assuredly I do not blame them for that. I have no love for what is called a spirited foreign policy. That means generally a policy of meddling and bluster, as inconsistent with the true honour and dignity of the country as with its safety and peace. But I want to know why the Government, with a peace policy, should give us a war expenditure. And at what a time are you making this enormous addition to your expenditure! At a time when the country is less able to bear additional taxation than it has been for many years. Some of the most important branches of the national industry are smitten with complete paralysis. The iron and coal trades are in a most depressed and deplorable condition. Will the House bear with me while I state some facts relating to the state of things in my own constituency. Everybody knows that Merthyr and Aberdare have had large ironworks giving employment to many thousands of men. They are nearly all at a dead stop. I have here some figures which will show the extent of the disaster. The Cyfarthfa Works were among the most extensive ironworks in South Wales. The Aberdare, Plymouth, and Penydarren Works, also were, taken together, of very large extent, probably larger even than Cyfarthfa. Well, all these are idle, every furnace blown out, and the men who were employed upon them for the most part dismissed. Now, the stoppage of these works alone in the borough I represent has thrown out of employment about

5,000 men, earning at a low-estimated average £5,000 weekly. In addition to these, the Aberaman ironworks are stopped, having two blast furnaces and corresponding forges and mills for finishing iron. Two out of three blast furnaces are stopped at Gadley's ironworks. The Hirwain ironworks are stopped also; in fact, out of eight works, many of them very large, the Dowlais ironworks and one furnace at Gadley's are the only ironworks now going; in addition to which there are six collieries stopped in the Aberdare Valley. "I am afraid," says a friend who sent me these facts, "this will be enough to enable you to draw a very dark picture of the condition of your constituency. You might add that the owners who are carrying on their works are doing so at a considerable loss, and do not want new burdens, in the shape of additional Income Tax, to be thrown upon them, for we shall have to pay now on the average profit of the last five years." I need not say that when the staple industries of a district are in the condition I have described, the sinister consequences extend to every class of the population, and fall with especial heaviness on the working classes. The House, therefore, will not be surprised when I tell them that about a fortnight ago I presented a Petition to this House from my constituents; a Petition nearly three yards long, signed by bankers, merchants, tradesmen, shopkeepers, working men, and, indeed, by all classes of the community, praying not only that no addition should be made to the Income Tax, but that it should be totally repealed. And yet it is in these circumstances that the Government come forward to put additional burdens upon the people. I will therefore vote for the Motion as an emphatic protest against the extravagant expenditure of the Government, especially at a moment when the country is so ill-prepared to bear any more pressing taxation.

MR. BAXTER: We are all indebted to the hon. Member for Burnley (Mr. Rylands) who has done good service in giving us an opportunity, even although it comes probably late, of considering the financial position of the country, and taking a more close view than we have done for a considerable time past, both of the sources of our income and of the scale of our expenditure. The country, as we

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all know, for the last few years has enjoyed a period of prosperity unexampled in the history of any nation under the sun, and the Revenue has been flowing in at such a rate that Chancellors of the Exchequer have been able to take off many taxes and to make things pleasant all round. I do not believe that in the history of the country there ever was a period when the general body of the people—all classes of the community, were better fed, better off, or more contented than they have been for the last few years, and the consequence, I am sorry to say, has been that those of us—and I confess to being one of them—who have all along said our expenditure was on far too great a scale, have had only an unsympathizing audience. We found it almost impossible to interest any body of our fellowmen whom we happened to be addressing on the question of the reduction of expenditure. The fact is, that the shoe pinched no one, and in those circumstances all who talked about economizing our finances were regarded everywhere as a sort of enthusiasts. Well, it was not to be wondered at, such being the case, that many of the economies of the last Government were far from popular, and it was found impossible to resist the increases that have been proposed. My object in taking part in this debate is not to join in a Party attack against the present Administration, although I entirely disapprove of the scale both of their Naval and Military Estimates. That question has been dealt with in the most exhaustive speech of my right hon. Friend the Member for Pontefract. I listened with great attention to the First Lord of the Admiralty, but I do not think that he at all made out that the present Government had not in this respect fallen very far short of their Predecessors. But my object on the present occasion is to endeavour to call the attention of the country to the vast amount which our expenditure has reached, and I hope in some way to strengthen the position of the Chancellor of the Exchequer. I entirely sympathize with much that has fallen from the hon. Members for county Longford (Mr. O'Reilly) and Merthyr Tydvil (Mr. Richard). I fail to see that any good reason has been given to us in the past few years for this vast warlike expenditure in a time of profound peace, when

no danger threatens our shores. On the 6th of March last, the hon. Baronet the Member for Carlisle (Sir Wilfred Lawson) moved a Resolution declaring that the interests of the nation did not demand any increased expenditure on the land forces. I had not the slightest hesitation in voting for the Resolution, and I earnestly wish that hon. Members on both sides would pay as much attention to the wisdom of the views of the hon. Baronet in reference to this question of armaments as they do to his ready wit. For a long time past, in my opinion, there has been no real danger threatening this country, and I hold it to be bad policy, unwise and unstatesmanlike, in times of profound peace like this to spend as if you were on the brink of a great war. I am not ashamed to confess that all the time I was a humble Member of the Administration of Mr. Gladstone I had a sort of uncomfortable feeling that even the reduced Estimates of those days could not be logically defended when we considered the present condition of England and the great change that has taken place in our policy. I remember when I had the honour of holding the office of Secretary to the Treasury, the Member for Oxford placed a Notice on the Paper—which made me feel very uncomfortable, for I entirely agreed with him—that the expenditure ought at that time to be still further reduced. Had he pressed his Motion to a division on that occasion, I should certainly have been placed in an awkward position. Those being my sentiments, I have not the slightest difficulty in supporting the very mild Resolution moved to-night by my hon. Friend—one so mild that he could not have drawn it himself. Probably it may be liable to the accusation that it may be interpreted by various Gentlemen in various ways, and I agree in that respect with what has fallen from the hon. Member opposite (Sir John Scourfield); but taking the Resolution in its most natural sense—namely, as an invitation to Her Majesty's Ministers to take back their Estimates, to bring in lower Estimates, and so to save us from the necessity of any further taxation at all, I shall vote for it with the greatest possible pleasure. That is really reverting to the old constitutional plan, and I can only say that with most perfect sincerity that no matter what party

of Gentlemen may be in power, whether Whigs or Tories, I do not regret that the House of Commons has not more often adopted that plan of checking the expenditure of the country. There is nothing more to be deplored in the Parliamentary history of late years than the action taken in this House upon financial matters. The House appears to have entirely abrogated its old constitutional function of carefully revising and keeping down the public expenditure of the country. The very reverse seems now to be the case; for instead of the House of Commons checking the expenditure, I am not wrong in saying—without in the least justifying the conduct of successive Governments—that in very many instances a great increase in the Estimates has been forced on those Governments by rash and thoughtless votes of the House of Commons. Well, my hope for the future is this, that the period of depression on which we have now entered will recall the nation to the danger of this profusion, and enable us who object, not to a few items in the Estimates, but to the whole policy on which they are based, to let our voices be more potentially heard. I am afraid the piping times of very high profits and full stomachs are over, and probably both masters and workmen will be more ready a year or two hence than they have been for a year or two past, to listen to the warning notes of unfortunate economists. I thought I detected even in the extremely clear and lucid Budget Speech of the Chancellor of the Exchequer an uncomfortable feeling. There was something in his tone and manner that struck me in that light. I do not think he is at all happy in regard to the finances of the country at the present moment, and I am sure there is no one in this House who more strongly regrets the vast sum which our expenditure has reached. Now both last year and the year before I was urged by several Friends, and on various occasions having paid some little attention to financial matters, to criticize the calculations of the right hon. Gentleman, but I declined to do so, and for this reason, that I thought both last year and the year before that the expectations of the Chancellor of the Exchequer would be justified—I wish I could say the same now. I have a very strong feeling that he will find himself mistaken in regard to the year ending

March 31st, 1877. One thing I beg the House to consider. It is not at the beginning of bad trade and lower wages that the shoe pinches. Experience has taught us that it is a good while after the tide has turned for the worse that the Revenue begins to fall off, and it is the last years of bad trade and commercial disaster that the Chancellor of the Exchequer most feels. We have entered upon that period now, and I for one am very much afraid that with these Estimates to my mind most injudiciously increased, we shall end this year with a very serious deficiency. Now as to the remedy. Everyone in this House knows well that no real economy can be effected by criticizing the Estimates in detail. There is a great delusion in that respect out-of-doors, and the sooner it is removed the better. There are only two ways of effecting real economy; the first is the Government doing it themselves; and the second, which appears now almost obsolete, is by the Representatives of the people telling the Government they are not prepared to spend more than a certain sum upon special Services. I am not quite certain that the time has not nearly arrived when we must adopt the latter expedient. In respect to the Civil Service Estimates, I have gone through them this year with great care, and they show the most careful revision on the part of the Secretary of the Treasury with a view to economy. After all, there still remain items of increase in the Civil Service expenditure. Of course there is the expenditure on education, which nobody will object to, and which is the best spent money to be found in the Estimates. Then come the grants in aid of Local Taxation, which will very likely before long seriously embarrass the Chancellor of the Exchequer. In regard to this Local Taxation business there has been a great deal of absurd and wild agitation in the country. I have read some speeches by which it would appear that Gentlemen expected money to come from the moon. They appear to think that because taxation is taken off local rates and put on to the Imperial Exchequer, therefore the ratepayers are to be relieved altogether. I never sympathized with that cry, because there is a great deal of delusion about it, and I should not be surprised if the Chancellor of the Exchequer is obliged to ask the House to retrace its steps. After all, if

we wish for real important retrenchment we must look to the expenditure on armaments. Without advocating anything like a peace-at-any-price policy, or the absolute abstention of this country from the affairs of other nations, there are good and substantial reasons why, with the good feeling that everywhere prevails, we might now reduce this vast military expenditure which we are increasing every year as a sort of preparation for war. Our policy in regard to the colonies has been entirely changed. We have withdrawn our troops from all the colonies that are self-governing, and we were told that in consequence of that we should be able to reduce the Army. When the Volunteer Force was established we were told the same thing. I do not know how often I have heard that, but all those expectations have proved delusive: so now, when I ask hon. Gentlemen behind me when the expenditure is to be really reduced, they tell me, as a sort of grim joke, that it is to be done when Viscount Cardwell's scheme has been fully developed. For a period of years after the Napoleonic wars, many nations came and hung on the skirts of this country. They looked on us as a sort of natural protector, and in every petty dispute in Europe we were expected to interfere. That has entirely disappeared. We have not lost our legitimate influence—I believe we have increased it—but we do not meddle, advise, and interfere, and threaten as we used to do. That is a good reason of itself why we should reduce our Forces. I cannot make out of whom we are afraid at this moment. I believe there is not a nation in the world which has the slightest hostile intention towards us. What has been the principal cause of alarm during the last 10 or 20 years? We have been told there was danger of a French invasion, and we were told so not only by those interested in increasing our military expenditure, but by statesmen who ought to have known better. That bubble has burst, and burst in a manner which ought to make this country ashamed of itself, for it now turns out that that very French fleet which men were so unwise as to tell us was superior to the fleet of England, when the German War commenced, was in such a state that it had to return within a short period several times to France to take in fuel, provisions, and am-

muniton. I was told by a gallant Admiral of high authority, that had a small squadron of German vessels come out, they might have gained a naval victory as decided as that of Trafalgar, and forced a capitulation as complete as that of Sedan. In a time of profound peace like this, therefore, we are pursuing a wrong policy altogether in spending these enormous sums on increase of the Army, as if we were going to war. Our true policy in times like this is to husband the resources of the country. This country is the workshop of the world, and if there is at any time any danger, we could increase our fleets and armaments more rapidly than any other nation. In conclusion, I can only say that the Administration which would adopt the policy I have sketched out, would deserve well of the country.

MR. J. G. HUBBARD said, he had listened with great attention to the remarks of the hon. Member for Burnley (Mr. Rylands), but was unable to endorse the views he had expressed. The hon. Gentleman had entirely failed to substantiate the ground on which he made his Motion. While saying that he (Mr. Hubbard) could cordially acquiesce in the Resolution so far as it expressed regret at the imposition of an additional Income Tax. As, however, it was to be so carried out, he thought it would be expedient to apply the estimated surplus revenue arising from the increased Income Tax to lowering for Imperial taxation the assessable values and rents of all real property from their gross or nominal to their net or real amount, rather than in extending absolute exemption from Income Tax to incomes of £150, and in the partial exemption of all incomes under £400. He thought a great mistake would be made if hon. Members founded Motions such as that now before the House upon the Finance Accounts, prepared in their present form, without examining them carefully. It was contended, for example, that £78,000,000 was a monstrous expenditure for the country to bear in time of peace. But if hon. Members would look to the other side of the account they would find that large deductions had to be made from that sum. For instance, out of the expenditure of £5,000,000 last year on account of the Post Office, Steampacket Service, and Telegraphic system a sum of £2,300,000 was to be carried to the re-

venue side of the account. The same thing would be found in reference to other heads of expenditure. The fact was that the national accounts were not presented by the Government in the form that a merchant would observe who desired to present a clear view of the state of his affairs, for as now prepared they were complex statements, that did not give the true financial position as a detailed debtor and creditor account. He would therefore suggest to the Chancellor of the Exchequer the desirability of having those Papers made up in a form less open to question, and less likely to mislead. If that were done, he believed that, taking into consideration the profit derived from the Post Office, the Crown Lands, and the Bank of England, the interest received for loans, the £4,500,000 applied to the redemption of the National Debt, &c., the amount of real expenditure to be provided for by taxation would be found to be only £65,253,000. As for the difference between the Budgets of the present and the late Ministry, he would only remark that it was very easy by under-estimating your receipts and over-estimating your expenditure, to find yourself with a surplus of £2,000,000 or £3,000,000 at the end of the year. That might be a very ingenious, but it was not a truthful way of doing business. A Finance Minister's duty, to his mind, was to make his Estimates as close as he could. Hon. Gentlemen, too, must not forget, when they looked at the enormous sum of £78,000,000 for the service of the public, that of that amount above £4,000,000 was applied to the redemption of the National Debt, and they could not call that expenditure. It was a saving in the present and a considerable saving in the future. He must remark that the application of these funds was a matter of considerable interest. In the present state of the accounts the Chancellor of the Exchequer provided absolutely for a reduction of the National Debt to a considerable extent year by year; but, under the old system, a certain amount of Debt was redeemed only in the event of there being a surplus. There were £4,000,000 so applied last year, and this year nearly £5,000,000 would be applied. The redemption now was a secured fact, and, in the face of that, why did they want a surplus. All they wanted was that the accounts should be so accurately stated

that the House and the country would not be deceived when they came to be compared with the original Budget. It was quite clear there were only four points which were at all vulnerable in the increased expenditure — the Army, the Navy, Education, and the grants in aid of Local Taxation. As to the two former, the Vote was a large one, amounting as it did to £24,000,000; but he took it that the increase was completely unavoidable. It had been forced upon this country by what was going on in Europe. How could we, indeed, remain in the rear when other countries, inferior in importance and wealth, were making such enormous strides in perfecting the art of war? Only the other day the House heard that a ship-of-war—the *Duilio*—had been launched by the Italian Government which was in some respects superior to the best iron-clad in the English Navy. We must go to a proportionate expenditure in the Army, because our big guns, provided by the Ordnance, were bound to keep themselves on an equality with the iron plates of the men-of-war. He would say that he looked upon our present expenditure as a war expenditure, because our outlay in providing the best means of defence was the best preservative against actual war, and our true wisdom was to be prepared. He must join issue with the hon. Member for Merthyr Tydvil (Mr. Richard) on his fractions. The hon. Member said that we were spending one-third of our income in what was called an insurance against war, and he asked what would be thought of a man who spent a third of the value of his property in an insurance against fire. Our national Revenue was £72,000,000, but what was the amount of the national wealth and property which the Army and Navy were maintained to protect? Our Income Tax assessment fell far short of the entire value of the national property; but its value, as shown by this one tax, was £480,000,000; so that the fraction was not one-third, but one-twentieth. That was, he thought, a conclusive answer to the hon. Gentleman's argument. With regard to the item of Education, no one would say a word against it, and the contributions towards Local Taxation were not expenditure at all in the sense that it was money to be dissipated. It was merely a different disposition of the national Revenue, by

which the Government, through a wise adjustment of local taxation, remitted a certain amount back to the different localities. Our expenditure was, in fact, nothing more than was required by the condition of the country, and certainly nothing more than it could very well afford. The Motion and speeches of hon. Members opposite asserted the doctrine that the whole principle of finance resided in economy. He must, however, raise his voice against such a pusillanimous and pitiable doctrine. In this wonderfully rich and powerful country the grand principle was order and safety; and he was satisfied that what the English people wanted was not a grinding, shifting, and screwing policy, but a liberal and generous one, only requiring that they should get their money's worth for their money. It was not the wish of the Government to incur a larger expenditure than that sanctioned by the House of Commons; but the fact was that the House was equally responsible with the Government for every farthing which it was asked to vote in the present Estimates.

MR. LAING said, that as he was unable to vote for the Motion of the hon. Member for Burnley (Mr. Rylands), which would probably be supported by a number of hon. Members sitting on those (the Opposition) benches, he wished to address a few words to the House. When he first read the Resolution, the only objection to which it seemed to be open was that it was a mere truism. It simply expressed the regret of the House that the increase of expenditure should have rendered it necessary to impose additional taxation. Well, no doubt, they all regretted it, and he supposed no one regretted it more than did the Chancellor of the Exchequer; but it was childish for the House of Commons to pass a Resolution of that sort. They might just as well pass a Resolution regretting that they were now in the middle of May with almost the atmosphere of winter. However, the able speech of the right hon. Gentleman the Member for Pontefract had put before the House so clearly what was meant by the Resolution that it left those who dissented from his views no alternative but to express their objections. The question was, could the House reduce the expenditure? and his opinion was that it could not. It seemed to him that the

Motion was intended to enforce upon the Government and the country the great principle, *Magnum vectigal est parsimonia*, which, being liberally translated, might be rendered that "the mighty dollar ruled all creation." It also seemed to assert that the function of the House of Commons was not to object to expenditure when it was brought forward and proposed, but that after the Estimates were brought forward some arbitrary limit of expenditure should be laid down, and that the House should say that all the exigencies of the public service should be adapted to some Procrustean bed of outlay. Having had some experience in what economy really consisted—for it was once his duty to cut down the financial Estimates in India by £6,000,000 in a single year—he would confidently assert that parsimony and cheeseparing were the greatest enemies of economy. A penny-wise and pound-foolish policy was most detrimental to real economy. It was like the bad shilling that always came back to you, but returned, moreover, with a vast accumulation of expenditure engendered by the parsimony that inspired it. The House had been told that the Estimates of the year 1848 were sent back to the Government to be cut down, and that they were reduced by £800,000 accordingly, rather than impose fresh taxation. Now, before he admitted that that was a wise thing to do, he should like to know how far the financial reductions of 1848 were responsible for the state of affairs during the Crimean War. No doctrine was, in his opinion, more objectionable than that which said that when increased expenditure in one direction was inevitable, they must at once set to work, irrespective of the exigencies of the case, to cut down expenditure elsewhere with a view to make up the deficiency. Were they to cut down that which was absolutely necessary for the Army, because they had to expend a large sum in building additional iron-clads? Because last year they transferred a certain amount of local taxation to the Imperial Exchequer, was that any argument why, if an increase in Army expenditure were urgently needed, it was not to be incurred? Things were to be judged and regarded on their own merits, and according to the necessities of the case. Sir Robert Peel, in 1842, justified a low national expenditure, on

the ground that it was better to run a little risk than to overburden the country with taxation. There were many countries where the people suffered under a load of oppressive taxation, where it would be right and reasonable to run a little risk in order to lessen the load, rather than, so to say, to fully insure; but, on the other hand, where the burden was light, it would be folly to go uninsured, and to run palpable risk. Now, what was the case with England? They heard a great deal as to the present extravagant amount of national expenditure, and on this subject he should like to recall the words of old Dr. Johnson—"In the first place, clear your mind of cant." There was a great deal of cant heard on the subject of national expenditure. National expenditure was small or great in reference to the condition of the country as compared with that of others. Measured in that way, he contended that the expenditure of the country was by no means excessive. If it could be shown that they could secure efficiency at less cost, then, by all means, let them cut down expenditure; but he asserted fearlessly that on the whole—whether it was popular or unpopular to assert it he cared not—this country was one of the slightest taxed countries in the world. They were in a position when the national policy as to defence ought to be judged on its own merits. As the right hon. Gentleman the Member for Pontefract had shown, the real expenditure of the country was about £65,000,000 per annum. The residue balanced one side the other—such as the expenditure on the Post Office, on telegraphs, and so on. But £28,000,000 went to pay the interest on the National Debt and to form a sinking fund, and thus the expenditure was reduced to £37,000,000; so that, looking at the amount of administrative expenditure independent altogether of the Army and the Navy, he said that, as compared with France, the United States, Russia, Austria, or Italy, the annual expenditure of this country was not at all extravagant or excessive. He had heard a good deal as to the country groaning under taxation, and of another turn of the screw by the increase of the Income Tax. But they should remember that for a long series of years it stood at 7*d.*, and when it was reduced from 7*d.* to 6*d.*, 4*d.*, and last year to 2*d.*, many hon.

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Gentlemen who had given great consideration to the question of finance, including himself, had protested against the reduction. It was, however, carried out mainly in deference to the opinion of the right hon. Gentleman the Member for Greenwich, who had since offered the country a total repeal of the tax. But by going back to 3*d.* they did not reach even the half of the old rate, and they had a right to look at the causes of increased expenditure and see whether they were really justified by the circumstances in which the country found itself placed. He did not think it was altogether fair to bring forward an abstract Resolution like the present after the Estimates had been virtually passed. If the Army or the Navy Estimates were regarded as involving unjustifiable expenditure, it was the duty of the Leaders of the Opposition to have come forward and challenged the opinion of the House and the country on the subject. The same observation applied also to local taxation; but the fact was that the Army and Navy expenditure called forth very little criticism, and that little was directed towards increase rather than diminution. "You cannot eat your cake and have it," and in this case they had eaten their cake and had now to pay for it. Then, as regarded the reduction of the National Debt, while he believed that the measure had gone rather far, still it was adopted last year and almost unanimously by the House, and he believed that the great majority even on that side of the House would fight against retracing their steps. Then, as regarded the Army and Navy, the increased expenditure was not to be met by vague declamation as to increased armaments. Circumstances had materially changed, and although in some respects the circumstances were favourable to this country, yet increased expenditure must necessarily be incurred under those heads. One of such favourable circumstances, in his opinion, was the formation of the great German Empire; but was there any Englishman who desired to be dependent upon the goodwill of a great military Power? The methods of naval warfare, the ships of war, and armaments and implements generally had so greatly changed, and were so materially changing every day, that no one knew what would have to be used

in time of hostilities between the country and a foreign Power. Therefore, without feeling anything like a panic or misgiving as to what would be the result of a war if we were engaged in one, the country entertained very proper feeling that we ought to have our Army in such a position that we could not be in extreme peril even if warfare were for a time to lay our coasts open to invasion. We stood in a very different position from that we occupied at the time of Sir John Burgoyne's Memorandum and the Duke of Wellington's remonstrances. We had a sufficient Army on paper to prepare us for any event. If we could place 80,000 or 100,000 Regular soldiers and 120,000 Militia to stand in the line of battle, and a large force of Volunteers in reserve, we should be in a position of substantial security, and it would be idle to impose further taxation for what we wanted. It must be admitted, however, that a great amount of the Force he had described existed only on paper at the present time. We had been trying the system of short service, but it was not yet carried out in its entirety, or its full effect was not yet felt. There had been complaints that we were not getting a sufficient number of recruits owing to the rise in the labour market, and it was stated that if they wanted to have a sufficient number of recruits of the proper physical capacity to bring the Army up to the standard at which it existed on paper, it was necessary to go into the labour market and offer higher terms. He understood that the new proposal in the Navy Estimates was directed to that point, and the expense was one which he believed the country would, on the whole, approve of. He would much rather see an addition of 1*d.* in the pound put on the Income Tax than that we should run the risk of having a skeleton Army existing only on paper, and without that sort of security which he should feel if the measures which had been already passed were properly carried out to their legitimate conclusion. So much for the grounds of expenditure. The only question he would now touch upon was how it should be met. There were only two ways that he knew of—one was to take excessively sanguine estimates of the expenditure and income, and the other was to raise the Income Tax. He thought the right hon. Gen-

tleman the Chancellor of the Exchequer was right in not taking an excessively sanguine estimate in the present state of the country. The credit of England was at stake, and of such importance that they ought never to run it too fine. No one would think that it would seriously incommode commerce to put on a tax for what they thought would be a temporary emergency, for the emergency was not going to last for ever. When the times improved, they would not want the tax, which would not have been so efficacious if it had been levied on sugar, tea, or spirits. The Income Tax was a very rational tax to impose at this time, and in proposing it the Government was only returning to that which was the state of things three years ago. With regard to exemption, he considered that point would be better discussed in Committee, and that it would only confuse the question to go into it now. Under existing circumstances the addition of 1*d.* in the pound on the Income Tax was right, and he felt called upon by a strong sense of duty to state this opinion from that (the Opposition) side of the House, and to enter a protest against the doctrine that they had to look at an arbitrary figure of pounds, shillings, and pence as the standard by which they were to measure all the expenditure of this great nation. He would conclude by quoting from a Radical writer of the day—Mr. Frederick Harrison—who, in *The Fortnightly Review*, recently gave as one of the most prominent causes of the downfall of the Liberal party that—

“A great nation did not like to be told that it saved £100,000 by doing something that was inconsistent with its self-respect.”

MR. PELL said, the present Government had never promised great remissions of taxation. A great deal of time had been taken up in talking about economy, but what did it all come to? Within the last 20 years the Imperial taxation had fallen exactly 1*s.* per head—from £2 8*s.* to £2 7*s.* In the same period local taxation had increased from 10*s.* 3*d.* to 16*s.* 8*d.* per head, and there was no Chancellor of the Exchequer here to answer for that expenditure, and no hon. Member for Burnley to complain of the increase. The amount by which the Imperial taxation had increased was exactly the same in gross with the amount of the increment in the local taxes, but in the one case the in-

crease represented a growth of less than 10 per cent, while in the other—that of local taxes—there was a growth of quite 100 per cent in this period. It was also worthy of remark that much of increase of Imperial revenue arose from taxation voluntarily incurred by the consumption of certain articles, for of the £10,000,000 that had been added to the Imperial taxes no less than £6,000,000 were derived from the increased consumption of spirits. With regard to the financial policy of the Government generally, there had been no strong attack made on the Budget; and although a great deal had been said about expenditure, no one had ventured to say that it was not needed. Our present financial condition was owing not to any fault on the part of the Ministry, but to the inevitable reaction which was following on the great wave of success that the country had experienced, added to the effects of two disastrous seasons. There was no doubt that the commercial industry of the country was suffering from depression, and the right hon. Gentleman the Chancellor of the Exchequer must expect to have his Revenue seriously affected by the reduced purchasing power of the people in the country.

Mr. MUNTZ said, he agreed with the last speaker that it was most unfair to blame the Chancellor of the Exchequer for the present state of trade; one might as well as well accuse him for the bad harvest of last year. His complaint against the right hon. Gentleman was that he was about to cut off many of the sources of our income. He would admit that if a large Revenue was to be raised, and it was necessary to raise the expenditure of the country, recourse should be had to the Income Tax. It was not a Party but a national question, and the point which struck him as most important in the matter was where the system of exemptions was to end. It was said that taxation and representation ought to go together, and in his opinion it was unwise to create a class which should be exempt from taxation, and which should yet possess the franchise. He would remind the House that a considerable portion of our taxing powers had been done away with, and that in the event of future wars we must inevitably rely upon the Income Tax. Under these circumstances he thought the Chancellor of the Exchequer had laid down a most

dangerous principle in making so many exemptions; and looking at the state of trade, and the little prospect of its improvement within a reasonable time, it would have been much wiser for the right hon. Gentleman to have kept the exemption money in his pocket. In his opinion it was also unwise to have got rid altogether of the sugar duty, and in abolishing these sources of Revenue we should remember that it was much easier to give a hungry dog a bone than to take it away from him again. A great deal had been said on the subject of local taxation. Now, he thought that the best way of keeping that down was to entrust its administration to men who understood the subject and knew all about it. He was prepared to sacrifice everything to efficiency, but he contended that the Government had failed to acquire it. On the contrary, there had been a steady increase of expenditure in Departments, and especially in the Army, in which it was not really required, and the public service was not advanced in any respect. He contended that our Army was over-officered, and that too little attention was devoted to the rank and file. From a statement which the right hon. Gentleman the Secretary of State for War had laid on the Table it appeared that the number of colonels and lieutenant colonels in full pay on the 1st of January, 1853, were 467; 1857, 655; 1860, 721; 1870, 1,350; 1876, 1,557; he should be glad to hear some explanation of that great increase, and for what purposes so many were employed, but more particularly the increase from 1857 to 1870, as those years were exclusive of the Crimean War and the abolition of Purchase. Again, in regard to the Civil Service, there was a steady increase in the number of clerks employed in it. The Trade Marks Bill would create another host of officials, and so would the Bill for the registration of partnerships, should it become law, and these two institutions would between them saddle the country with an annual cost of from £30,000 to £40,000. He did not say that this was the doing of the Government, but the doing of Parliament; but still that was no reason why they should not cut down all expenditure which was not absolutely required. Again, with regard to the Navy, stores were bought which were not required, there being plenty in store; for,

as there was no stock-taking, they could not really tell what they had on hand. All these things required amendment, and, in conclusion, he would say that he considered if careful attention was devoted to the various Departments of the State there was plenty of room for carrying out a wise and rational system of economy, and the adoption of a practice in regard to national affairs which any rational man would carry into effect in the conduct of his private business.

MR. GATHORNE HARDY said, that as several allusions had been made to the Department over which he had the honour to preside, he was anxious to say a few words on the subject. He could not but remark that in the course of the debate no hon. Member had thought proper to put his finger on any particular part of the Army Estimates to which it was desirable that attention should be called. So much was that the fact that the right hon. Gentleman the Member for Pontefract passed over the Army Estimates by saying that the increase seemed to arise from causes of necessary expenditure, and that, therefore, he would not dwell upon them. He (Mr. Hardy) did not mean to say that the right hon. Gentleman expressed any approval of the Army Estimates, but he certainly expressed no condemnation. The right hon. Gentleman expressed the opinion, as he (Mr. Hardy) understood him, that the expenditure of every Department had exceeded its estimate, and that for almost all the Departments Supplementary Estimates were required. With respect to the Army, however, during his (Mr. Hardy's) tenure of office, no Supplementary Estimate had been taken. Though the Estimates which were left at the War Office by his Predecessor put him under considerable pressure, he was not obliged to ask the House for any addition to them. At the same time he could not be held wholly responsible for the increase in the amount asked for in his Department. The position which the Secretary for War held was that he did not lay down a system, but that he inherited a system. The hon. Member for Birmingham (Mr. Muntz) spoke with regard to the number of officers. That also was a matter of inheritance. He might observe, on that subject, that since 1853 there had been two great wars—the Crimean War and the Indian Mutiny, which accounted, to a

certain extent, for the number of officers in the field officers' rank, and his noble Friend who preceded him (Viscount Cardwell) created more field officers of Artillery than ever existed before. With regard to expenditure, the House of Commons or Parliament had chosen to institute certain systems. It chose, many years ago, to adopt a system of fortifications. Those fortifications were now coming to completion. So far they had been dealt with by loans, and therefore there was no trace of them in the Army Estimates. But these fortifications would have to be armed, unless the House stultified itself, and said they were not to be armed. They were made for 12-ton guns, but 38-ton guns would have to fill the places intended for 12-ton guns. It was of no use to arm these fortifications, unless you armed them with weapons equal to those which could be brought against them. These enormous implements of warfare could not be moved without an expense which was almost incredible—for instance, he did not believe that the 81-ton gun which it was intended to take to Shoeburyness could be taken to that place at a less cost than from £5,000 to £6,000 in mere carriage; and at Gibraltar these immense guns would have to be dragged by locomotives into their places, and in some places they would have to be slung up the rocks to avoid danger. He mentioned this to show that a considerable amount of expenditure was forced upon him by Parliament, and that he had to construct things of a most expensive character in order to carry out the policy of his Predecessors. The gun-carriages for the Navy, which were borne on the Army Estimates, too, were also becoming of the most expensive character. When they got 81-ton guns for their ships, they might have thought they could have rested for a time; but what happened? The Italian Government had already ordered four 100-ton guns from Armstrong's, which would be of greater calibre than ours, and against which ours, of course, would be of comparatively inferior use. Hence the House would see that they had to be always advancing, always incurring additional expenditure, if they did their duty towards the country. The hon. Member for Merthyr Tydvil (Mr. Richard) said he could sleep comfortably in his bed if they had only half the Army

they now had; but he (Mr. Hardy) appealed to the rest of the House whether the whole of the present Army was too much. When he went to the War Office the new system of short service was in operation, which entailed the necessity of a very much larger number of recruits than were ever required before, besides which they had to find a sufficient Reserve. The demand for labour and its price had greatly increased, and it was found that inducements were held out to men in the Army having the best character to take private employment, which led to their discharge by purchase, not on the part of their friends, but on the part of those who desired to employ them. Then there was an amount of desertion which, though it had been exaggerated, was yet to be deplored. Again, there was the deficiency of recruits, and he was constantly urged by hon. Members on both sides of the House to take steps to compete with the labour market. There was also the case of the non-commissioned officers, the increase of whose pay had been recommended by great economists themselves, and the House had adopted his proposal on that subject. Then the deferred pay was one of the lightest burdens that could have been imposed on the country, and it would only come into play by degrees. These were all experiments calculated to be of advantage to the public, and if they were to be condemned, the condemnation must fall upon Parliament, and not merely on the Government, because they had some of them been thrust upon the Government by Parliament, and all adopted by it. What he complained of was that economy was recommended to him in general terms, but no one told him how or where it was to be carried out. The right hon. Gentleman the Member for Pontefract took credit to the Liberal Administration for being able to have surpluses of about £28,000,000 in its five years of office. But where did those surpluses come from? They were not created by the right hon. Member for the University of London, but were taken unnecessarily from the pockets of the people. A Government which had no such surplus might just as much save the money of the people, or even more so, than one which had. Again, paying off Debt by under-estimating the Revenue and over-estimating the expenditure was only an indirect method of

taking money out of the pockets of the people for that purpose. He did not disagree in any way with economy, where it was practicable. In his first year at the War Office he accepted the Estimates prepared by his Predecessor, and next year he did not ask for an increase in the Vote, until he had carefully considered all the circumstances, and it was only on the eve of the great changes initiated by that Predecessor taking effect that he was obliged to make provision for contingencies. He trusted that there was no probability of another war, but still complications were arising, and it was well to be prepared. These things came upon nations suddenly, and when they did come they could not be met by an improvised Army and Navy as suggested by the right hon. Member for Montrose (Mr. Baxter). As it was they could almost hear the tramp of armed men in various parts of Europe. He thought he caught the words "Belgian Treaty" from the lips of the right hon. Member for Greenwich when the increase of the Estimates in 1871 was referred to; and had they not Treaties which compelled them to be ready on any emergency? Who could have thought, in 1869, that France was so soon to be trampled upon by a foreign nation, and to have the invader in each one of her cities? It would not do for a great country like this to be unprepared if we intended to uphold our position amongst the nations of the world. The gallantry of our sons would no doubt defend our country, but there must be a nucleus of defence, and that nucleus must be paid for. In order to do that they ought to have *cadres* of sufficient strength to admit of expansion on urgent occasions, and that was to a certain extent war expenditure. If we wished to keep our place in the world we must not put off our insurance to the last moment. We were always in contact in every quarter of the globe with civilized or savage nations. When the Army Estimates were brought forward there was an apprehension of war with China, and very lately there was an outbreak at Perak, which might have turned out more serious than it did, if we had not been ready and able to send troops from India. He hoped our troops would not have again to be exposed to a pestilential climate like that of Ashantee; but we might at any moment be brought,

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in spite of ourselves, into collision with some barbarous tribe or other. He simply mentioned these circumstances to show the House that the country must be prepared, and that consequently the Estimates had to be framed on broader grounds than they otherwise would be. He had brought them forward, so far as his Department was concerned, in the interest of peace and in consonance with the honour and dignity of the nation, and he could not, in fact, do with less money. Even supposing that the Navy was adequate to the purpose for which it was intended, the Army we now possessed—Regulars, Reserves, Militia, and Volunteers—was by no means excessive and by no means too expensive for the country whose honour and dignity it had to uphold.

MR. FAWCETT said, that no one could have listened to the speech of the right hon. Gentleman the Secretary of State for War without seeing that it gave a new importance to the debate. If there were one conclusion more certain than another to be drawn from that speech it was this, that the right hon. Gentleman believed that every shilling of our present war expenditure was necessary and inevitable, and that, so far from our being able to look forward to a reduction of that expenditure, every event happening in Europe showed that still further expenditure would be necessary. Into a military discussion, however, he would not enter. This was a purely financial question, and every event that was passing around them pointed to the necessity for considerable reduction. The hon. Gentleman the Member for Wick (Mr. Laing) had laid down the principle that any additional expenditure must be entirely met by the Income Tax, but he (Mr. Fawcett) felt bound to object most strongly to the principle which the Government had adopted of throwing the burden of additional expenditure on a limited class—namely, the Income Tax payers. Passing to the details of the Government scheme, he could not but take exception to the principle of exemption which was proposed. If the Government had adopted the simple method of deducting £100 from all incomes, they would have had none of those awkward jumps and breaks which their present scheme involved. Then, not only had the Government committed the mistake of meeting

additional expenditure by an increase of the Income Tax, but they had materially limited the class of persons on whom the burden fell, and thus introduced a grave financial danger—that of lessening inducements to economy on the part of the country at large. The hon. Member for Wick had charged the Liberal Party with parsimony and cheeseparing. He boasted, however, that he himself had, by wise and judicious economy, saved more than £6,000,000 in the expenditure of India. What right had he to suppose that, following the same principle, the Liberal Party would not be able to effect a saving of a considerable amount in the finances of this country? He was not going to make a financial comparison between the expenditure and the Revenue of past years and those of the present, except to observe that it was his conviction that the speech made by his right hon. Friend the Member for Pontefract (Mr. Childers) would produce a deep impression throughout the country, because no one who read that speech could possibly come to any other conclusion than that the expenditure of this country had greatly increased under the Government now in power. The time would come when that increase of expenditure would have to be explained and justified. If the Revenue of the country were prosperous, additional expenditure might be, comparatively speaking, of little consequence, for it might simply mean that the surplus was somewhat diminished; but in the present state of the country and her finances, extravagance was a far more serious matter, for increased expenditure would lead to additional taxation, which would fall heavily on many an industry which was now crippled and paralyzed, on a falling wage, and upon impoverished homes already suffering from the fall in the value of securities. Hon. Gentlemen opposite called themselves the farmers' friends. During the last few days, knowing this debate was coming on, he had taken the trouble to spend a short time in one of the greatest agricultural districts of this country. ["Name!"] Well, he had been in Wiltshire, and the farmers in that important district had assured him that scarcely ever within the recollection of the oldest of them had agriculture been in a more depressed condition than it was at the present

time. They did appreciate the imposition of the additional taxation upon them in the hour of their severest distress, and that appreciation would show itself sooner or later in a very practical way on the first opportunity. What had hon. Gentlemen opposite done for the farmers? They had only deluded and deceived them by pretending to come to their aid. What had the Conservative Party done by the cry they got up about local taxation? By those subventions from the Imperial funds in aid of local taxation a halfpenny was put into the farmers' pocket; but that halfpenny would ultimately go to lessen the charges upon the landlords, and what price would the farmer have to pay for it? Why, for every halfpenny given to the farmer, a penny would be taken from him. ["Oh, oh!"] He could understand the meaning of those cries of "oh;" but the Conservative Party were not going to have a monopoly of enthusiasm in the cause of local taxation. Some of those who now occupied the Opposition benches were determined, both in that House and out of it—and he was not afraid to meet any hon. Members opposite at a farmers' club meeting—some of them were determined to let the British farmer and other people know that for every halfpenny they obtained by the reduction of rates through those subventions they were asked by the Government to pay twice as much in the form of Income Tax. The Government were responsible for our increased public expenditure. It was a notorious fact that they came into office by one thing more than another, and that was by what was calculated to bring a vast amount of evil on this country—by using all their influence and organization to bring contempt and ridicule on the cause of economy. ["No, no!"] Why, the purchase of the Suez Canal Shares was an illustration of his argument. We knew how the great Conservative reaction was manufactured. It was by proclaiming far and wide that when the Party came into power the days of golden rule would come with them, and there was not a postman, Civil servant, or officer in the Army who was not deluded into the belief that he was living under a new *régime* to his profit. The Conservative Party got all the homage and popularity which for a time followed the spendthrift. There was

nothing so popular and so easy as the reckless expenditure of money; the spendthrift had always for a time been a popular hero; but, happily, the Conservative Party would not escape a day of reckoning. People were beginning to feel the price which they paid for all the glittering promises which they obtained from the Party now in power; the price they were paying in increased taxation, and one-half of the promises had not yet been fulfilled by which that Party obtained their present position. The right hon. Gentleman the Secretary of State for War the other day said the conduct of the Government was being attacked on technical grounds, and not on any substantial basis. But that was not so. The interpretation which the supporters of the Motion before the House put upon it was, that they considered the Government had not managed the affairs of this country with due care and with due thrift; they considered that extravagance, always mischievous, became ten times more mischievous when the country was on the eve of a financial and industrial crisis, and therefore they intended by the Motion to express their deliberate opinion that the present administration of the affairs of this country was extravagant. They condemned that extravagance, and objected to additional taxation, because they believed it would prove burdensome to the industry and vexations to the people of this country, and because they believed it to be unnecessary.

SIR JOHN LUBBOCK said, he had listened to the speeches of the right hon. Gentleman the First Lord of the Admiralty and of the Secretary for War with regret, because they seemed to be directed not so much to defend the policy of the Government as to prepare the House and the country for additional and indefinite expenditure. He did not take so gloomy a view of the prospects of the country as his hon. Friend who had introduced the Motion (Mr. Rylands). In times of prosperity they were too apt to think that they would be lasting, and when adversity came they were apt to be a little too depressed. But, while he could not concur in all that had been said as to the condition and prospects of the country, he could not deny that some of its most important interests were suffering from great depression, and he thought, there-

fore, they ought to be careful in placing any additional burdens on the backs of the people. Looking at the expenditure, on the other hand, it could not be denied that it was on the increase, and showed a tendency to go forward in the same direction. Indeed, it might be said to be increasing by "leaps and bounds." A great part of this increase had arisen in connection with the Army and Navy, and he, for one, saw no sufficient reason to justify such increase. He thought there were special reasons at the present moment why we were less liable to any sudden attack than formerly. We were ready to resist any combination if we had time. When our armaments were much less extensive than they now were, the present Prime Minister called them "bloated armaments"; he should like to know how the right hon. Gentleman would describe them now. It was said to be necessary to maintain extensive armaments in order to be prepared for sudden attack, but there never was a time when we were less likely to be involved in a war with either France or Germany, and no sudden attack could be apprehended from any other quarter. If there was any necessity for increased expenditure at all in connection with the Army and Navy of the country, he saw no further reason why it should stop at the point that had now been reached, or why it should not go on indefinitely. An enormous military expenditure was the great misfortune of Europe at the present moment, and he hoped this country would refrain from setting a bad example in this respect. He had no doubt that the Government desired to place the country in a position to resist foreign invasion, but they were in danger of forgetting that an important means of attaining this end was by husbanding the resources of the nation in times of peace.

THE CHANCELLOR OF THE EXCHEQUER said, he had waited for a moment, thinking it possible that some right hon. Gentleman on the opposite bench might have felt disposed to offer some remarks before he rose to reply; but no one having done so, he supposed he might assume that the right hon. Gentleman the Member for Pontefract and the right hon. Gentleman the Member for the Montrose Burghs had exhausted all that was to be said on the present

occasion on behalf of hon. Gentlemen occupying the Front Opposition Bench. He of course remembered that the Bill would have to pass through other stages, on each of which it would be possible for opinions to be expressed on points of detail. The House had now to deal only with the particular aspect of the question that had been opened by the Motion of the hon. Member for Burnley. No one could regret that the question had been raised in that form, or that an opportunity had been afforded for considering it; and no one more than the Chancellor of the Exchequer himself could feel the great advantage that must result from the whole subject of the financial administration of Her Majesty's Government being fully and thoroughly discussed, and from the right hon. Gentleman the Secretary for War and the right hon. Gentleman the First Lord of the Admiralty having had an opportunity of making statements as to the reasons which had led to the Estimates for the year which had been laid before the House. It was also well that an opportunity had been afforded the right hon. Gentleman the Member for Pontefract to bring forward the case of the supposed extravagance of the Government, because for some time past statements of a loose and inaccurate character had been made on that question, even on high authority—statements which were mischievous not only to the character of the present Administration, but which had tended to induce the people of this country to believe that they were much more heavily taxed than was really the case. Thanks were due to the right hon. Gentleman the Member for Pontefract for the clearness with which he had shown that the sum of £78,000,000 did not really represent the amount taken from the taxpayers of the country; that, in fact, a very large proportion of that sum was not to be considered a charge upon the people at all, but was simply one side of the account, which was balanced by entries on the other; and that, in truth, the real charge on the taxpayers might be taken at about £65,000,000. It was important that that should go out to the people of this country not in the interest of the present Government alone, but of all Governments, in order that the public might not believe there had been a larger addition to the charges and expenditure than had really been

the case. Taking into consideration the altered mode of keeping the accounts, and comparing the expenditure at the present time with what it was 20 years ago, it would be seen that they had not so greatly increased their expenditure as had been supposed. As he had said, statements had been made within a few weeks of the most wild and extravagant character by gentlemen of the highest authority, and the right hon. Gentleman the Member for the University of London, addressing a meeting in the country a short time ago, and speaking with the authority of one who had for several years held the office of Chancellor of the Exchequer, had stated that since the last year of his administration the expenditure under the present Government had increased from £70,500,000 to £77,500,000 or £78,000,000. The accounts, however, showed that the expenditure during the last year that the right hon. Gentleman had held office was £72,500,000, and not £70,500,000, thus diminishing the crime of the Government from an increased expenditure of £7,500,000 to one of £5,500,000. He admitted that this increase was on its face a large one, and required explanation. £1,300,000 of that increase was for the increased charge upon the Debt, £1,026,000 was for the increased charge for the Army, £1,010,000 was for the increased charge for the Navy, and £2,180,000 was for the increased charge for the Civil Service. He asked the House candidly to consider what those additions meant. Taking the first item in the list, he would not now discuss whether or not it was politic to make exertions to pay off the Debt in time of peace, but he believed that the feeling of the House was in favour of that course being adopted, and all he could say was, that whether that policy was right or wrong, the application of money for that purpose could not be termed profligate expenditure. Then there was an increase of £2,180,000 in the Civil Service: that was occasioned, first, by the allocation of £1,418,000 in relief of local taxation—and there was no one who could say that that payment made to relieve the ratepayer was a wasteful expenditure; and, secondly, there was an increase of £88,000 in the Education Vote. It could not be said that that outlay, imposed upon them by the wise policy of

the late Government, was not a proper way of spending the money. But for that increase the present Government was not responsible; the increase was on of itself in consequence of the policy which the House adopted at the instigation, the wise instigation, of a right hon. Gentleman opposite. The Civil Service Estimates, therefore, were increased not only by the increased expenditure on Education, but also by the placing upon the National Exchequer of charges which formerly fell upon rates. The House had deliberately adopted that policy, and the expenditure, therefore, could not be called a profligate expenditure. He admitted that it would be a very fair subject of discussion whether that policy ought to be carried any further. Having disposed of £3,500,000 out of the £5,500,000 of increase of expenditure, there remained only the £2,000,000 that had been added to the expense of our Army and our Navy. The House had heard explanations from his two right hon. Friends as to the increase of expenditure under those heads. A great part of that increase was owing to the policy pursued by the late Government. Any candid man considering how many points were open to attack, and how impossible it was to put ourselves in a state of defence at a moment's notice, would feel it was quite possible that the Government might, after all, in spite of apparent extravagance, have been pursuing a wise and economical policy in putting our Army upon a proper footing. He did not feel himself capable at a short notice to go minutely into the elaborate calculations which he had only imperfectly caught, of the right hon. Gentlemen the Member for Pontefract. At the same time he could catch one or two of the statements of the right hon. Gentleman, with which he should not be prepared to agree. The right hon. Gentleman, he believed, stated that the late Government never exceeded its Estimates. He (the Chancellor of the Exchequer) found that in 1873-4 there were excesses on the Navy and the Post Office Telegraphs, and there was the Indian Suspense Account; those items amounted altogether to £500,000. The right hon. Gentleman said that the late Government paid off Debt to the amount of £26,000,000 in a certain number of years, and he (the

Chancellor of the Exchequer) understood him to say that the present Government had not paid off any Debt at all during their present tenure of office. But that was not the case. With regard to the £26,000,000, it must be borne in mind that £6,000,000 of that was only paid off by running a pen through the figures £6,000,000, because it was said it was not to be expected that we should be called upon to pay it; but, nevertheless, after all we might be called upon to make it good. He referred, of course, to the Chancery Fund Account in which debt had been, not paid, but simply written off. As regarded the paying off of Debt he might remind the House that it was his right hon. Friend the Prime Minister who first started the system of Terminable Annuities in 1867, and if the calculation of the Debt were gone into, he believed it would be found that the present Government had paid off as much in proportion as their predecessors had done. But they were told it was always the rule that when a Liberal Government came in the expenditure went down, and that when a Conservative Government succeeded to office it rose. Well, it was a little remarkable that in that matter there was a law of another kind—namely, that when a Conservative Government came in they always found Establishments reduced to a state in which it was not safe to leave them, and during the time they remained in office, which was generally very short, they had the pleasure of setting things to rights. In that way Conservative Governments had to incur certainly some extra expenditure, and had at the same time to bear a good deal of blame which was not their due, although at first sight it might appear to apply to them. For instance, they were told last year that no confidence could be placed in them because the expenditure had exceeded what was expected of them by no less a sum than £900,000. Half of that sum, however, was a matter with which they had nothing to do, for it arose from a suspense account which had been opened in the time of their Predecessors between the Army and the Indian Office, and which had led to the accumulation of a charge of £500,000. Now, while that charge was accumulating the Army Estimates were of course less than they ought to have been. When the present Government looked into the matter they saw it

was necessary to set it right, and they accordingly settled that account of £500,000. Then when right hon. Gentlemen opposite charged them with adding to the burdens of the country, they forgot that they themselves, if they had not added to the burdens of the Exchequer, had added considerably to local burdens by measures such as the Education Act, the Sanitary Act, and others—excellent measures no doubt—which they themselves had passed. Therefore, it was not at all reasonable that they should hold themselves up as patterns of economy and the Conservatives as monsters of extravagance. After all, as regarded the Civil Service expenditure, taking the principle of the right hon. Gentleman the Member for Pontefract as correct, and setting aside Education and grants in aid of Local Taxation this expenditure was not more, but less than that of their Predecessors, by the sum of £150,000, and every exertion had been made by his hon. Friend (Mr. W. H. Smith) to keep down that expenditure. As to permanent works, which they were accused of “starving,” the Government had not starved any works which had actually been undertaken, though they had no doubt kept back certain new works which it might have been desirable to undertake, but for economical reasons. He had been a little surprised to find that they were taken to task for this by the right hon. Gentleman opposite. He had expected a word of commendation; but it seemed that the right hon. Gentleman had his weak point like the rest of them. They were all, without exception, in favour of economy, but none of them were in favour of economy without exceptions, and the right hon. Gentleman’s exception was in favour of permanent works. But in the contest on the part of every Service to get as much as it legitimately could, he claimed to put in a word on behalf of the Exchequer, because he wished to take care that there should be no damage done to the national credit, and no risk incurred of any deficiency. He had to bear that in mind when first one Colleague and then another wished the expenditure for this or that object to be allowed. While listening with sympathy to their pleas, he put in his own plea in favour of making provision for the reduction of the Debt. He was told by some that he was taking a very gloomy view of the Revenue, and might,

by a little more courage, have dispensed with any appeal to the House for additional taxation. Certainly it was not the interest of the Government to come forward and propose any additional taxation if they could, with consistency and with satisfaction to their own consciences, have avoided it, and he did not think his two previous Budgets showed that it was in his nature to pessimise or to take desponding views. It had rather been his tendency to look hopefully on the progress of the Revenue and the prospects of each financial year. But, after making allowance for a considerable increase in the Estimates of Revenue for the present year, he still found himself in the presence of a deficit of no less than £800,000, with no allowance for any Supplementary Estimates, though he did not anticipate any serious ones, with no allowance for any failure of the Revenue, and without any surplus at all. And he asked whether he should be doing his duty to the country if he had said they should take their chance and see if they could scrape through. That would have been contrary to the principles of sound finance. It was their duty to see that the system of finance was sound, and that it would lead to no impeachment of the public credit, and that it would interfere as little as possible with the operations of trade. They knew that they were not likely to make themselves popular by an increase of the Income Tax, but they had, he thought, sufficiently justified their proposal. They had in that way avoided all violent oscillations in every way, and kept their financial system as steady as possible. They were told by some of their Friends that where they had erred in their financial career was in taking the third penny off the Income Tax two years ago, and he was not prepared to say that there was not now some apparent justice in that remark, although they could not have known beforehand that the Revenue would turn out less favourably than they expected. Then it was said they had from their Predecessors the legacy of a magnificent surplus, which they had contrived to dissipate. The question, however, arose what the Government were to do with it. They could not hold it over, so that the House should find a tremendous surplus every year. The first duty of the Government was to apply it for the re-

mission of taxation, and this it was thought they had done very fairly, and by no means for the exclusive benefit of those with whom they usually acted. By reducing the sugar duties and by other remissions the Government made a liberal disposal of the surplus left by their Predecessors. But they had had left them something else besides this surplus. The Government found a state of things which, if it had been known or foreseen, would have made the surplus appear to be not of so much value as it seemed to be. When the Government came to consider the state of affairs at the Admiralty and the War Office, and when it became their duty to carry into effect the policy initiated by their Predecessors, they found that they had run a little too near the wind, and that the available surplus was not really quite so large as it had appeared to be. The next question was, why the Government had met this deficiency by imposing another penny on the Income Tax. Seeing that the increase of £2,000,000 in the expenditure was on account of the military services, and that this sum was pretty fairly represented by a penny on the Income Tax, it seemed to the Government quite reasonable to take the Income Tax at the sum which it had been left by their Predecessors, and to put on again the penny which the present Government had taken off. He believed that a calm consideration of the position of the country and of the conduct of the Government would justify them in the eyes of the public. They could, however, join heartily in the natural meaning of the words of the Motion, and regret the necessity there was for an increase of the Income Tax. The words of the hon. Member's Amendment—if they did not understand the meaning attached to them—would command the assent of all. They all regretted that there was a necessity for increased expenditure; they all regretted that that necessity had involved the further necessity of making an addition to the Income Tax; but they could not deny the necessity, nor could they deny that when it was imposed on them the Income Tax was the financial weapon to which it was right they should have recourse for dealing with it. Considering that the words of the hon. Member's Resolution were not merely intended to express a

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truism, but amounted in effect to a Motion that the Government should take back its Budget, they must of course resist it, and ask the House to support them in doing so. He had abstained from entering into a discussion of the particular form in which the Income Tax exemptions were to be carried out, and he had done so deliberately, believing that it was a question which would be more properly discussed in Committee. He acknowledged the generally temperate character of the remarks that had been made, and that the debate would be a useful contribution to their financial education, and he must now ask the House to read the Bill a second time.

Question put.

The House divided:—Ayes 263; Noes 175: Majority 88.

Main Question put, and *agreed to*.

Bill read a second time, and *committed for Thursday*.

INTOXICATING LIQUORS (LICENSING LAW AMENDMENT) (No. 2) BILL.

[BILL 116.]

(Sir Harcourt Johnstone, Mr. Birley, Sir John Kennaway, Mr. Pease.)

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [28th April], "That the Bill be now read a second time."—(Sir Harcourt Johnstone.)

Question again proposed.

SIR HARCOURT JOHNSTONE said, he did not know whether he was in Order in asking that the adjourned debate on the second reading be now proceeded with. When the Bill was previously before the House on the 28th of April it was deemed advisable not to proceed with it at the late hour at which it came on, and a wish was expressed for further evidence of its necessity. He now held in his hands copies of memorials to the Secretary of State for the Home Department from certain magistrates in England praying for this alteration of the licensing laws. The object of the Bill was really conveyed in the prayer of these different memorials, which were from many important places, including

Ashton-under-Lyne, Blackburn, Bolton, Bradford, Bridgwater, Bristol, Chester, Darlington, Dewsbury, Halifax, Huddersfield, and many other places in England—["Order."]

MR. SPEAKER: I must recall to the recollection of the hon. Baronet that he addressed the House on the second reading of this Bill on a former occasion, and therefore he is not in Order in again discussing it.

Question put, and *agreed to*.

Bill read a second time, and *committed for Thursday*.

CIVIL DEPARTMENTS (EMPLOYMENT OF SOLDIERS).

NOMINATION OF SELECT COMMITTEE.

Motion made, and Question proposed, "That the Select Committee do consist of Nineteen Members."—(Sir Henry Havelock.)

Amendment proposed, to leave out the word "Nineteen," in order to insert the words "Twenty-one," — (Captain Nolan,)—instead thereof.

Question, "That the word 'Nineteen' stand part of the Question, put, and *negatived*."

Question, "That the words 'Twenty-one' be there inserted, instead thereof," put, and *agreed to*.

Main Question, as amended, put, and *agreed to*.

Ordered, That the Select Committee do consist of Twenty-one Members:—Viscount HINCHINGBROOK, Lord EUSTACE CECIL, General SHUTE, Mr. GERARD NOEL, Mr. JAMES CORRY, Lord ELCHO, Captain PRICE, Mr. JOHN TALBOT, Sir CHARLES RUSSELL, Sir HENRY HOLLAND, Mr. CHILDERS, Mr. CAMPBELL - BANNERMAN, Mr. ERRINGTON, Mr. HANBURY - TRACY, Colonel MURE, Mr. JOHN HOLMS, Sir GEORGE BALFOUR, Mr. LAING, and Sir HENRY HAVELOCK, *nominated* Members of the Committee:—Power to send for persons, papers, and records; Five to be the quorum.

And, on May 16, Sir JOHN HAY and Major O'GORMAN *added*.

House adjourned at One o'clock.

HOUSE OF LORDS,

*Tuesday, 16th May, 1876.*MINUTES.]—PUBLIC BILLS—*First Reading*—
Industrial and Provident Societies * (90).*Second Reading*—Chelsea Hospital Accounts * (81).*Second Reading*—*Referred to Select Committee*—
Union of Benefices (64).*Report*—Supreme Court of Judicature (Ireland) (74).*Third Reading*—Tramways Order Confirmation (Wantage) * (61); Gas and Water Orders Confirmation * (55), and *passed*.UNION OF BENEFICES BILL—(No. 64.)
(*The Lord Bishop of Exeter.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE BISHOP OF EXETER, in moving that the Bill be now read the second time, said, that last Session he introduced a Bill having a similar purpose, but its operation was confined to the diocese of Exeter alone. Objection was taken that whereas the subject was one of an extremely grave character, the measure proposed was merely local, instead of extending to the country at large; and, after a short debate, he (the Bishop of Exeter) withdrew the Bill. The Bill which had now been introduced had a wider application, and extended to certain cities and boroughs to be scheduled in the Bill. The evil it was intended to meet was this—that in many of our cities and boroughs there were a number of very small parishes with very small and inconvenient churches, and very small incomes for the clergy. These three things made it exceedingly difficult to carry out the work of the Church in those parishes. Taking the city of Exeter, for example—there were in that city, which had a population of about 12,000 souls within the walls, as many as 17 parishes. Of these, three only were of sufficient importance to supply adequate religious provision; the other 14 were very small, the churches were small and out of repair, the incomes of the clergy very insufficient, and owing to the smallness of the population it was impracticable to raise sufficient funds to carry out the ordinary parochial work. And what was true of Exeter was true also of other cities and

boroughs in the Kingdom. The remedy evidently was to unite together the smaller and poorer parishes, so that the church administration might be better maintained, and the clergy better paid, with more work to do. The Bill therefore proposed to make better provision for the union of contiguous benefices within certain cities and boroughs, the names of which he proposed to specify in a Schedule. For this purpose the Bill provided that two or more contiguous parishes in these places might be united, without regard to aggregate population, or aggregate yearly value. Such unions were already provided for by statutes previously passed, but were limited to parishes where the aggregate population would not exceed 1,500 persons, and hampered with other provisions which made the union difficult to carry out. When the Bishop of the diocese was of opinion that such union was desirable in the interests of religion, he might prepare a scheme, notice of which was to be given to patrons, incumbents, and churchwardens of the parishes affected, and to certain authorities of the city or borough; and it was provided by whom and how objections might be taken to the scheme. If no objections were taken, the scheme was to be transmitted to the Ecclesiastical Commissioners. If objections were raised, the Bishop might abandon the scheme, or refer it to certain Commissioners. Having passed this examination, with or without alteration, it would be transmitted to the Ecclesiastical Commissioners, who would thereon prepare a scheme and certify the same to the Queen in Council; and when approved by Her Majesty would become operative. Power was given to include part only of benefices in the proposed union, and provision was made for exchange of patronage, for the erection of new church or parsonage, for the removal of the old church, and for the sale of site; but no site of an old church was to be sold or demolished without certain consents, and it was first to be offered to the Town Council. The scheme might provide for the abolition of "dominicals," which were small legal payments on inhabited houses, very difficult to collect, and the cause of much disquiet; yet the clergyman could not abandon them without surrendering ancient rights of the church, and power was therefore given by the 21st clause

for the abolition, commutation, or redemption of these ancient payments. Having explained some further details of the Bill, the right rev. Prelate said that as he was aware that the noble Marquess the Secretary for India had given Notice of an Amendment for the rejection of the Bill, he presumed that he was now engaged in a hopeless task, but he nevertheless felt it his duty to move the second reading.

Moved, "That the Bill be now read 2^d."
—(*The Lord Bishop of Exeter.*)

THE MARQUESS OF SALISBURY thought that every one must sympathize in the motives of the right rev. Prelate, and nobody could look around the country without seeing how much the requirements of the times pressed upon the energies of every Bishop. Therefore, it was with much regret that Her Majesty's Government had come to the determination that it was their duty to oppose this Bill. But Her Majesty's Government were of opinion that the Bill transgressed the limits of private rights and parochial rights. The Bill proposed to pull down churches and sell the sites, and to use whatever money might be obtained for certain useful purposes; and it carefully respected the rights of the Bishop and the patron. But neither the Bishop nor the patron was the person most interested in the parish church. The parishioner was the person most interested in it. What voice was given to the parishioners by the Bill in respect of a proposed destruction of their parish church and the desecration of their parish churchyard? The scheme began with and was framed by the Bishop; the patron had a veto; but the parishioners had no power whatever. True, a Commission was to be appointed to consider objections to schemes; but how was that Commission to be nominated? One Commissioner was to be nominated by the Bishop, two were to be named by ecclesiastics in the neighbourhood, one was to be named by the Mayor of the town, and one by the churchwardens and the incumbent. Even in London, where, if anywhere, there would have been some show of excuse for overlooking the rights of parishioners in the proposal for the removal of City churches, much more respect was paid to those rights than was paid to them

in this Bill. The proposals of the Bill were a violation of the respect due to high and long-cherished feelings and to the most elementary rights, and was not to be compensated by any amount of money that could be obtained by carrying out the schemes. But he believed that if this Bill were passed it would not produce the money that was anticipated from it. It was a Bill for money, but it would not afford funds for the removal of the remains of parishioners from churchyards which would be sold. He believed the right rev. Prelate had been misled by the precedent of the City of London. But even there the money obtained was very much less than had been expected; and although the Metropolis was a peculiar case, the parishioners were not disregarded. In that case it was provided also that due notice should be given to the relations of persons whose remains were interred in these churches, and they were to have liberty of undertaking the pious task of removing those remains to another resting place. That had, however, been found to be an expensive privilege. But these various rights this Bill treated with scant ceremony; and as the Government regarded the rights of the parishioners as rights which the Legislature ought not to tamper with, they had no choice but to ask their Lordships to reject the Bill.

An Amendment moved to leave out ("now") and insert ("this day six months.")—(*The Marquess of Salisbury.*)

THE EARL OF DEVON said, the object of the Bill was to promote the efficiency of the Church of England in certain localities; but while he agreed in the principle of the measure, he admitted that it was susceptible of improvement in its machinery. He looked upon the city of Exeter as a sample of a state of things similar to that which was known to exist in several parts of England. He thought that, with due regard to the feelings of the inhabitants, some provision might be made in reference to small and contiguous benefices, which would prove of great advantage; but, certainly, greater security must be given than this Bill afforded, that the rights of the parishioners would be respected. Believing that the Bill would effect beneficial changes, he should, if their Lordships divided, give his vote in support of the

second reading, believing that whatever defects might be in the Bill might be so remedied in Committee as to render it a valuable measure.

THE BISHOP OF LONDON thought that the Bill had been rather hardly dealt with by the Government; for it was one which conscientiously attempted to deal with a real evil, and he regretted it should have been smitten by so formidable a hand as that of the noble Marquess (the Marquess of Salisbury). The objections urged against it by the noble Marquess were for Committee rather than such as ought to induce their Lordships to reject the Bill on the Motion for the second reading. He remembered that the first time he had the honour of addressing their Lordships' House was on an occasion when he endeavoured to induce them to include several large towns in the Bill for the transfer of churches in London. When parishes were so small as to afford a sum insufficient for the payment of a clergyman, it could not be expected they could be worked efficiently, and it was a fact that congregations did not like attending very small churches. The noble Marquess was mistaken in thinking that the sites of the old London churches had not fetched so much as had been anticipated; they had fetched more.

THE MARQUESS OF SALISBURY: I spoke of the net financial result.

THE BISHOP OF LONDON: The reason of that was that very great difficulty had been experienced in obtaining consents, and, consequently, the Act had been applied in only a few cases. As to the veto of the parishioners, in many instances that had been exercised, not to prevent the removal of the church, but to get as much money as possible out of the site. He trusted the Government would re-consider their decision and consent to the Bill being read a second time.

EARL GRANVILLE said, that in the discussion on the Law of Burial last night several Members of the Episcopal Bench urged that these were subjects which should be taken up by the Government; but if Bills of this kind, dealing with acknowledged grievances, were to be opposed by the Government in summary manner announced by the Government through the noble Marquess with reference to this Bill, that course would not afford much encour-

agement to those who looked to them in these matters. Did not the noble Marquess believe that the remedies called for could be provided by an Act of Parliament? No doubt there ought to be important checks placed on operations of this sort; but the Committee was the place to introduce and strengthen them. Therefore, he hoped the Government would pause before they divided the House in opposition to so reasonable a proposition as that contained in the Bill.

THE LORD CHANCELLOR said, it was desirable their Lordships should understand how this Bill differed from any other Bill of the kind they had been asked to pass. No doubt there were, or had been, many cases in which the interests of the Church would be promoted by the union of benefices, and certain Acts of Parliament cited in the Bill provided, to a certain extent, remedies for grievances of the kind by the union of contiguous benefices. All would agree that these Acts proceeded on a wise principle, and that, if inconvenience was still felt, there ought to be further legislation. Not one of the Acts previously passed, having reference to this subject, affected the title to tangible property; whereas this Bill embodied a principle that was entirely without precedent. It dealt like a private Bill with the property of the particular parishes. It provided for the pulling down of churches, for the removal of remains from the cemeteries, and for the sale of cemeteries, entirely alienating them and making them secular property. He did not say that the course presented was not in itself a proper one; but he knew of no Bill that had ever passed through either House of Parliament that proceeded in the vague and general terms of this Bill. They always specified the places intended to be dealt with, and in view of the places so specified Parliament proceeded to legislate. On the other hand, this Bill contained no specific application. It proposed to give certain powers "to the Bishop of the diocese within which any city or borough specified in the Schedule hereto is situated," but as yet there was no Schedule; and it was not according to past legislation to assent, without some very distinct understanding, to the second reading of a Bill which dealt with actual tangible property by reference to

a Schedule which was not appended to the Bill. In the absence of such a Schedule there could be no expression of public opinion in the parishes proposed to be affected, and he must respectfully protest against legislation in blank when the filling up of the blanks was of vital interest to particular localities.

THE ARCHBISHOP OF CANTERBURY explained that the Schedule intended to be appended to the Bill had been omitted by mere accident. It was intended that the Schedule should have been printed as part of the Bill; but the right rev. Prelate the author of the Bill, anxious to secure the consent of the various Prelates in whose dioceses were situated the towns which he wished to mention in the Schedule, kept it back, until the Bill was printed without it; and to his surprise the Schedule was necessarily printed in the form of an Amendment to be moved in Committee. All the towns to be dealt with had been arranged, and would have been included in the Schedule. Under these circumstances it would, perhaps, be well to adopt the suggestion that the Bill should be referred to a Select Committee. Any other course would be hard upon his right rev. Brother, who last year introduced a Bill confined to the diocese of Exeter, and withdrew it on the advice, which he had now acted upon, that he should introduce a Bill of more extended scope. There could be no doubt there was the necessity of some legislation, for the evils referred to were not confined to the Metropolis. The Act he (the Archbishop of Canterbury) had carried had not been adopted in as many cases as it might have been, for there was great difficulty in getting the consent of parishioners; particularly in small parishes where a predominant influence was sometimes exerted by a self-interested vestry clerk. It would be wise to refer the Bill to a Select Committee for the purpose of introducing such provisions as the noble Marquess (the Marquess of Salisbury) intimated ought to be there with the view of getting the real consent of parishioners and avoiding the rock which had proved fatal in the City of London, that of requiring too many consents.

VISCOUNT CARDWELL thought when the Government took measures to check the progress of legislation their Lordships had a right to expect that they

would give them some proof that they had taken pains to consider the subject. What were the facts in the present instance? The right rev. Prelate last year introduced a Bill similar to the present, but applicable only to his own diocese; and what course did the Government then take? They said it was a Bill which ought not to be confined to Exeter, but should embrace other cities, and perhaps the whole country; and now, when the operation of the Bill had been at their instance extended, the second reading was objected to. He had never heard a more feeble case against the second reading of a Bill, brought in by a responsible authority, and calculated to effect great and excellent objects. The noble Marquess had opposed it on grounds subversive of its principle. The noble Lord on the Woolsack had changed the line of attack, and said that its principle could better be carried into effect under the Union of Benefices Acts; and then, with a singular inconsistency, had assailed it because it dealt with subjects which were not within the purview of these Acts. He hoped the Bill would be read a second time. The Bill was strongly supported by the ecclesiastical Bench, and therefore ought not to be rejected on the second reading. If it were sent to a Select Committee they would probably find out what sufficient safeguards might be adopted to obviate the objections raised.

THE MARQUESS OF SALISBURY desired to explain that he had not demurred to the object of the Bill, but to the mode by which that object was to be attained. He was, however, ignorant of the great sanction under which the Bill had been introduced; but after hearing the statement of the most rev. Prelate he thought it would be desirable that the Bill should be considered in Committee.

EARL BEAUCHAMP thought that as this Bill was the same as that of last year, but on an enlarged scale, the provisions of it should have been explained by the right rev. Prelate when he introduced it. He was afraid that those persons who would be affected by the Bill would not know anything about it.

THE EARL OF KIMBERLEY said, that the title of the Bill was as plain as it could be, and that it was unusual in that House to explain the provisions of the Bill when laying it on the Table.

THE EARL OF LIMERICK considered that the people of those cities and towns which would be affected by the Bill should have had an opportunity of stating whether they approved of it or not, but the Schedule containing their names had only appeared that morning.

Amendment (by leave of the House) *withdrawn*.

Then the original Motion was *agreed to*; Bill read 2^a accordingly, and *referred* to a Select Committee.

SUPREME COURT OF JUDICATURE (IRELAND) BILL.—(Nos. 31-74.)

(*The Lord Chancellor.*)

REPORT OF AMENDMENTS.

Amendments *reported* (according to Order).

Clause 18 (Salaries of future Judges).

An Amendment moved, page 11, line 4, after “*assizes*” insert—

“Provided always that nothing herein contained shall affect such rights to remuneration in respect of any adjourned assizes as the existing Lord Chief Justice, Chief Justice of the Common Pleas, and Lord Chief Baron possessed before the passing of this Act.”—(*The Lord Chancellor.*)

Amendment *agreed to*.

Clause 78 (Transfer of existing staff of officers to Court of Judicature).

Amendment moved, page 45, line 34, after “*to*” insert—

“Provided also that if any such officer appointed before the passing of this Act shall be so released without his consent he shall continue to receive his full salary.”—(*The Lord Chancellor.*)

Amendment *agreed to*.

LORD O'HAGAN said, that he had given Notice of some Amendments in this and the next clause, but as it had been intimated to him by his noble and learned Friend that they would not be accepted, he would refrain from moving them. He admitted that the Bill had been improved by the Amendments already accepted. The paragraphs which had been introduced, and the last concession of the Lord Chancellor, appeared to secure the vested rights of existing officers, which certainly would have been put in serious peril by the Bill as it originally stood; and other valuable changes were secured, although not all

that he had desired to obtain. Still, he had thought that he ought to bring forward again on Report some Amendments which he had before proposed, but which had been rejected, in the hope that even at that stage of the Bill the Government might have been induced to re-consider and adopt them. They were aimed to prevent the intervention of the Treasury in matters which he (Lord O'Hagan) thought it should not be permitted to meddle; to assimilate more closely the Bill with the English Act, and to secure more perfectly the rights, not only of existing, but of future officers. He regretted to say that he had had an intimation of the resolution of the Government to concede no more. It would be utterly idle to attempt in that House again to press his Amendments, which, no doubt, did to some extent affect the Treasury and Treasury affairs. He must, then, content himself with repeating his sense of the importance of these additional proposals, notwithstanding the improvements the Bill had already undergone, and expressing a hope that when the Bill went to the other House, where the whole financial bearings of the measure could be discussed, they would receive consideration and acceptance.

THE EARL OF BELMORE said, he was glad that these Amendments had been made by the noble and learned Lord on the Woolsack to the Bill, for as it previously stood it had created some angry feelings in Ireland.

Further Amendments made, and Bill to be read 3^a on *Thursday* next.

WEST COAST OF AFRICA—THE KING OF DAHOMEY.—QUESTION.

OBSERVATIONS.

LORD COTTESLOE rose to ask the Secretary of State for the Colonies, Whether he can communicate to the House any information received by Her Majesty's Government respecting the measures recently taken by the naval and civil authorities of the Gold Coast against the King of Dahomey, and the fine demanded of him for outrages committed on British subjects at Whydah? The noble Lord said, that a short time ago he called attention to the expedition undertaken against the King of Dahomey, and his noble Friend was at that time unable to give any information on the

subject; but, as several transactions had since occurred, he hoped he would be pardoned if he ventured to repeat his Question. What had since occurred, as far as we knew, was that, without any previous application to that Sovereign, the Commodore on the Gold Coast and the Governor of Lagos had proceeded to Whydah and held an inquiry there, the result of which was that the King of Dahomey was fined 500 barrels of palm oil worth about £6,000, and if he did not pay by the 1st of June his coast was to be blockaded. The fine was a large one for a monarch in the position of the King of Dahomey to be called upon to pay. That, however, might be the best way of dealing with such a Chief; but it might lead to very serious results. Suppose the King refused to pay? He had no doubt dealt with us in an overbearing and unscrupulous way. We were informed that his answer to the Commodore's communications was that he would not open the letters, as he was a King, but that if the Commodore liked to come and get the fine he would pay him in powder and bullets. Yet if we resorted to extremities it might lead to inconvenient consequences. The result seemed to be that ulterior measures would have to be taken; and the question was what those measures should be. The first thing that suggested itself was a blockade of the coast. But that would not be very injurious to the King himself; the sufferers would be the English, French, and Portuguese who had property there, and whose business would be entirely stopped. If the blockade failed of effect, we should demand that more energetic measures should be taken, and if we did not get our money something more would have to be done. What was that something more? We might go the King's capital, as a few years back we went to that of the King of Ashantee; but Her Majesty's Government would be slow to undertake a similar campaign, which, though full of glory, led to a large expenditure of money and great loss of life. Another alternative was to take Whydah as a material guarantee—it was a very convenient place, and the possession of which, politically and commercially, might be advantageous to this country. He wished to know whether communications had been made to the Home Government by the officers concerned

before they set out on this expedition? He was quite aware that the naval and military officers of this country should always be prepared whenever it was necessary to assume responsibility, and if they did so the Government at home would always support them if they acted with prudence. The Government would, of course, proceed with much more effect than any individual could do, and representations might have been made, in conjunction with the Portuguese Government. But if the officer on the spot chose to demand compensation, he was, of course, treated with contempt. He trusted, therefore, Her Majesty's Government would take the matter into their own hands;—and also that they would give the House any information they might be able to afford.

THE EARL OF CARNARVON said, he did not think he could add much to his noble Friend's information on this subject, but what information he had was at the disposal of his noble Friend and the House. The facts of the case were briefly these:—In the latter part of January Mr. Turnbull, an agent or member of one of the commercial firms at Whydah, made a protest against the illegal seizure of his goods by an agent of the King of Dahomey. That protest caused a great deal of ill-feeling on the part of the King; Mr. Turnbull was seized, stripped, and subjected to great indignities; but was released on the following day. The whole transaction appeared to have created much excitement, and complaints were made by the merchants in Whydah to the Admiral on the station, Sir William Hewitt. In the following month the Admiral found himself and his squadron on the coast, and he invited the headmen of Whydah to a palaver or conference. The palaver took place; but the headman, the representative of the King, did not appear. On the contrary, he sent a wholly subordinate agent, and he omitted some of those formalities the omission of which was considered a great disrespect to the person entitled to receive them. Sir William Hewitt, in his despatch, stated that he was satisfied that Mr. Turnbull's case was a sound and valid one, and that his conduct throughout the transaction would bear the closest examination. Under these circumstances, the non-attendance of the proper officer and the refusal of the proper formalities, the

Commodore of his own authority imposed a fine on the King of Dahomey, and in default of payment threatened that he would blockade the coast on the 1st of June. Subsequently, by a communication from the Admiralty, Sir William Hewett had been cautioned not to enforce the blockade until the 1st of July, so that one full month in addition might be given the King for consideration. Some further communications seem to have passed; for about the middle of March the headman of the King returned an answer, which subsequent inquiry proved to be false, and designedly false, to the effect that the King had refused to receive the Commodore's letters. It appeared that the King did not refuse to receive the letters; but that he sent a message saying that he would make the payment in bullets and powder should the Commodore come. These were the whole circumstances of the case so far as the Government knew. With regard to the King of Dahomey himself, he occupied on that Coast very much the same position towards the surrounding tribes as the King of Ashantee did towards his neighbours; and, as far as the character of the King and the institutions of his country were concerned, there was nothing to choose between them and the character of the King of Ashantee and the institutions of that country:—or perhaps it would be more true to say that the utter cruelty and barbarism of the King of Dahomey were greatly in excess of the cruelty and barbarism of his compeer—the country was in a state of utter barbarism, and the human sacrifices were horrible. While, he might add, he concurred with the noble Lord in the opinion that our officers abroad would do well to take every opportunity of consulting the Home Government before they acted; yet they were sometimes obliged to act on their own responsibility, and it behoved the Home Government not only to accord to them the most favourable consideration, but as far as possible to support their action. He might go further, and say that Her Majesty's Government, looking at the whole facts of the case, and seeing that a gross outrage had been committed—besides which there were others of a similar nature—and considering the manner in which Sir William Hewett's message had been received, felt it would be impossible to shut their eyes to the

transactions which had occurred, and do nothing at all. The only doubt was whether the institution of a blockade was the best and most effective course to adopt; and he might point out that on several occasions the particular line of Coast in question, or that immediately adjoining it, had been blockaded. It had been blockaded in 1852, and again in 1859 and in 1863, and apparently with admirable effect. On the last occasion it had proved effectual within a month. As the effect had been beneficial before it was to be hoped it would prove so again. It was impossible, of course, to say what the result of the present blockade would be; but he hoped, for his own part, it would be sufficient to make the King of Dahomey reflect very seriously on the course which he pursued. Taking all the circumstances into consideration, it had been determined to postpone the blockade till the 1st of July. His sincere hope was that no further steps would be rendered necessary; but if the blockade were resorted to, it was likely to prove effectual, for it would take away from the revenue of the King, deprive him of supplies, and place the Coast at our mercy.

THE DUKE OF SOMERSET said that, however desirable it might be to keep out of little wars, when we had a Naval Officer on the Coast, the best thing was to render him strong support, otherwise these petty Princes might be encouraged to acts of violence against British subjects, which might produce a lengthened and bloody war. Although no honour was perhaps to be gained by a war with such a Monarch as the King of Dahomey, he trusted the Government would act with firmness in the present instance, for to pursue a different course would only lead to the commission of further aggressions.

THE EARL OF KIMBERLEY concurred in the main with his noble Friend who had just spoken. He was not acquainted with the full details of what had taken place, but if the King of Dahomey had committed the outrage attributed to him, and had refused reparation, he did not see that the Government could have done otherwise than take steps to enforce redress, and he hoped with his noble Friend opposite that the proposed blockade would be effectual, for the principal supplies of powder and arms, and everything on

which he set a high value, were procured by the King through the port of Whydah. Our position on the Gold Coast was not to be treated with indifference. England was practically the only European Power on the Coast, and though the French had some small ports on the Coast, on us depended the promotion of civilization in that district of country. In case of the blockade not fulfilling expectation, we might find the people of Abbeokuta useful allies; and the King of Dahomey had been twice or thrice foiled in his attempts against that country—so that he would be likely to think twice before giving fresh provocation.

VISCOUNT CARDWELL expressed his cordial agreement in the remarks which had just been made, and pointed out that any observations which might be made in their Lordships' House which should show the slightest want of approval of the course taken by the Government might occasion mischief in cases where difficulties arose with a barbarous potentate like the King of Dahomey. It was of great importance that the King of Dahomey should understand that we were in earnest in this matter. The King was reported to have said that he should treat a message from the Commodore with contempt, but that one from the Queen of England would be treated very differently. It was desirable that this potentate should be taught that the Commodore was the representative of Her Majesty. It was important to prevent such mischievous notions getting abroad, and if the blow which we felt bound to strike in such cases was to be effective it must not always be deferred until after a long correspondence with home, because sometimes the effect of the blow lay in its being promptly given.

INDIA—PETITION OF SIRDAR
NARAIN SINGH.

PETITION PRESENTED.

LORD SELBORNE, in presenting a Petition from Sirdar Narain Singh, praying for inquiry into his case, and for liberation, said, that the Petitioner was formerly in the service of the Government of Mooltan, and was now a State prisoner residing at Moulmein, in British Burmah. The Sirdar was taken prisoner at the close of the second Sikh war, sharing the fate of his master; and being considered a dangerous person, it was

thought necessary to treat him as a State prisoner, and he was sent to Moulmein, and had been detained from 1849 to the present time. He had at different times made three applications to the Indian Government requesting that, in consideration of the lapse of time and other circumstances, he might be permitted to return to his native country. The first of these applications was made in 1863, and was refused because the Government of the Punjab then thought it would be unsafe to permit his return. When the second application was made in 1872 the Governor General caused the Petitioner to be informed that his prayer might possibly be taken into consideration at some future time. He renewed the application in 1874; but he was again disappointed by the answer, which was to the effect that he would not be allowed to return to Punjab, and that he must regard that answer as final. In his present Petition he expressed his desire to forget the past and to spend the remainder of his life in his native land. He prayed, first, that an investigation should be made into the facts of his case; and, secondly, that he might be allowed to return to the Punjab, or, if this were not deemed practicable, that he might at least be permitted to reside at Benares. He could not ask the House to investigate a case of this kind in a way which would remove its consideration from the Indian Government, but he hoped the presentation of this Petition might lead to the case being re-considered, at a time when an act of grace would come with peculiar grace from Her Majesty. Independently of this Petition, he had received sufficient information to satisfy him as to the Petitioner's good conduct since his original fault, and during the time of his punishment. He had copies of seven testimonials of the Petitioner dated in different years between 1856 and 1865, and signed by Commissioners, Assistant Commissioners, and other British officers who had been in charge of the Province and district in which Sirdar Narain Singh was a prisoner. He likewise found that the imprisonment of the Petitioner, which originally was strict, had been relaxed, that he had been put on parole, and that his conduct had been in all respects proper and meritorious. At one time, indeed, the Indian Government thought of making him a grant of

land in British Burmah. It ought also to be remembered in his favour, that, when he was first brought, as a prisoner, down the Ganges, his conduct had been favourably distinguished from that of others in the same circumstances, upon an important occasion. Since the Notice was given, for the presentation of the present Petition, he (Lord Selborne) had received from Mr. Lushington, who was for many years a distinguished member of the British Civil Service in India, and who had had nothing to do with the suggestion or preparation of the Petition, a letter, which he would the more readily read to the House, because it attributed to the Petitioner an active, and even prominent, concurrence in the attempt then made by the prisoners to escape, which, he believed, the Petitioner himself did not acknowledge.

“Treasurer’s House,

“Guy’s Hospital,

“May 15.

“My Lord,—I have seen in the public papers that you purpose presenting a Petition on behalf of Narain Singh, at present a prisoner in British Burmah, praying for inquiry into his case and for liberation. I have no knowledge of the cases in which the prisoner was sentenced to transportation for life many years ago, nor do I know what particular reasons have been set forth by him in his Petition for release. I venture, however, to address your Lordship on the subject, because when I was magistrate of Patna in 1849-50, Narain Singh, who was then under sentence of transportation, saved the honour and the life of a European woman on board the steamer which was conveying Narain Singh and other prisoners to Calcutta. All the prisoners, headed by Narain Singh, made a desperate attempt to escape; they shot down their guards, and got possession of the vessel, and several of the prisoners would then have attacked the woman had not Narain Singh protected her. It was in consequence of his good conduct on this occasion that he was not hanged for the murders on board the steamer. Some little time after this Narain Singh was sent to British Burmah, where he has been undergoing his sentence in a very exemplary manner. This part of my statement could be confirmed by Lord Napier of Magdala, who saw him a few years ago when visiting the convict prisons in the Straits and British Burmah. After the lapse of so many years there can be no fear now of Narain Singh (if allowed to return to his own country) getting up any political disturbance, and I venture to think, with reference to the facts I have stated and his long incarceration, now nearly 30 years ago, he might be considered as deserving release.

“I have the honour to be, my Lord,

“Your obedient Servant,

“ED. H. LUSHINGTON,

“Late Bengal Civil Service.”

Lord Selborne

This appeared to be a case in which there were exceptionally favourable circumstances, and if the facts as he had stated them were found to be correct, he should hear with great pleasure that the Indian Government considered the time had come when the Petitioner might be safely allowed to return to his native land.

LORD STANLEY OF ALDERLEY supported the prayer of the Petitioner, believing that his long absence must have destroyed the political influence which he might formerly have possessed in his native country. After the lapse of nearly 30 years all the soldiers he had formerly commanded must have left the standards. The petitioner was now a very old man, and was very anxious to end his life near the holy waters of the Ganges, and he asked to be allowed to reside at Benares, if objections were still made to his return to his native province.

THE MARQUESS OF SALISBURY said the case had been frequently under the consideration of the Indian Government; but it had not been deemed advisable that the Petitioner should be permitted to return to that part of India where he possessed influence; but the House would hardly expect him to give in detail the reasons which influenced the Indian Government in the course they had taken. He did not believe that the prisoner’s life had been altogether unhappy, for his imprisonment had been softened as far as practicable—indeed, the latter period of his detention might be correctly expressed by the word “internment.” Undoubtedly he had been secluded from that part of the country where his influence might have had a pernicious effect on the public peace. The mere fact of efforts having been made to provide land for him in Burmah showed his detention was not of a severe character. As to whether the Petitioner could be allowed to return to the Punjab, he should not like to give an opinion without being afforded an opportunity of fully consulting the Indian Government. This was a matter in regard to which the Indian Government were eminently qualified to form a correct judgment, as they would have means of judging which were not accessible to any person in this country. He would immediately bring the Petition under the notice of the Governor General of India, who he felt assured would be glad to

have an opportunity of doing an act of grace at the present time. He would defer further observations on the subject until he had had an opportunity of consulting the Governor General.

House adjourned at half-past seven o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 16th May, 1876.

MINUTES.]—SELECT COMMITTEE—Civil Departments (Employment of Soldiers), Sir John Hay, Major O'Gorman *added*.

PUBLIC BILLS — Ordered — First Reading— University Education (Ireland) [150]; University of Cambridge [161].

*Second Reading—Market Juries (Ireland) ** [117].
Committee — Report — Admiralty Jurisdiction (Ireland) * [121].

SHERIFFS (IRELAND)—RETENTION OF LEVIES.—QUESTION.

MR. O'SULLIVAN asked the Chief Secretary for Ireland, If he is aware that a practice exists in several counties and towns in Ireland of sheriffs and their deputies overholding for a considerable time, in their own hands, large sums of money belonging to traders, which they (the sheriffs) levied by execution or decree, in place of handing it over to those entitled to same; and, if so, whether the Government will take any steps to prevent these officials from continuing this practice?

SIR MICHAEL HICKS-BEACH : In answer to the Question, I have to state that it is possible this practice may exist in some counties, but I have not been able to discover that it prevails to any extent; and, if it did, as the sheriffs and sub-sheriffs are not under the control of the Executive Government, it would not be a matter in which the Executive Government could interfere. If the creditors of persons interested in these funds have any cause to complain they have their remedy by action at law against the sheriffs.

NAVY — ROYAL NAVAL ARTILLERY VOLUNTEERS.—QUESTION.

CAPTAIN PIM asked the First Lord of the Admiralty, If he intends to take any steps this Session to increase the number (now only three hundred) of the Royal Naval Artillery Volunteers, who have been so favourably reported upon as thoroughly efficient, and as available, on the shortest notice, in the event of war; and, whether he will afford the members of the London Brigade greater facilities for drill and exercise, in the vicinity of Somerset House, than is offered on board Her Majesty's Gunboat "Rainbow?"

MR. HUNT, in reply, said, he should be very glad to see the number of Royal Naval Artillery Volunteers increased, but their increase depended upon the public spirit of those who had leisure and who were qualified to serve in that corps. With regard to facilities for drill, he had not had any application for further facilities in the neighbourhood of Somerset House, nor was he aware, if such application had been made, that a larger ship than the *Rainbow* could be placed there for the purpose.

SUPREME COURT OF JUDICATURE ACT, 1873—OFFICIAL REFEREES.

QUESTION.

MR. WADDY asked Mr. Chancellor of the Exchequer, Whether the inquiries upon the necessity for which he grounded the withdrawal of the Vote for the Salaries of the Official Referees has yet been made; whether the Referee whose appointment was then specially challenged has, in the meantime, entered on the duties of his office; and, if not, whether he will undertake that, before anything further is done, and before the Referees enter on their duties, he will inform the House of the result of his inquiries, and will take the deferred Vote; and, whether he can name an early day for ascertaining the opinion of the House upon this appointment?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that on the occasion to which the hon. and learned Gentleman referred the Vote for the salaries of the official referees was before the Committee of Supply, and that Vote was challenged upon the allegation that one of the gentlemen who had been ap-

pointed to the office of official referee was not properly qualified for his position. There seemed to be some uncertainty as to the circumstances of his appointment, and it was considered most desirable that the Vote should be withdrawn for the time, he undertaking to make inquiry of the Lord Chancellor as to the appointment in question. The Lord Chancellor had written him a letter of considerable length, which he requested him to read to the House, on the subject; but from what he had seen of the matter it was one which would occupy more time than ought properly to be given to it in answering a Question. They would, however, soon be in a position, he hoped, to bring the Vote forward again, and then all explanations would be given. He could not state then when they would go into Supply upon the Civil Service Estimates, but when they did, this Vote would be taken first. He understood that the referees entered upon their duties at the beginning of April, and in that position they stood at present. He thought it was probable that the Vote would be brought forward on Friday week, but he could not say for certain.

EGYPT—MINISTRY OF FINANCE—THE DECREE.—QUESTION.

LORD ROBERT MONTAGU asked the right honourable Member for Shoreham, Whether he can explain the discrepancies of the items of Revenue assigned in the Khedive's Decree of May 7, for the service of the new "unified debt" (amounting to a Revenue of £6,495,257 per annum), and the corresponding one at page 13 of his Report; whether it be not the fact that the whole Revenue (excluding the item of Moukabala, which is to be "arrested in its operation,") is £8,892,392; while the expenditure (excluding £5,036,675 for interest on the old debts and annuities, but adding the interest on the new "unified debt,") is £9,704,366; and, if so, from what sources the interest on the Suez Canal shares, and on the "anticipatory payments" of Moukabala (viz. £6,124,472) are to be paid; whether the new "unified debt" is still £91,000,000, or has been increased during the last few days; and, whether the item of £990,806 (given in the Decree as the annual income from the railways) is not

liable to large deductions by greater expenditure for maintenance and renewal?

MR. STEPHEN CAVE: It is quite impossible to compare page 13 of my Report with the figures in the Decree, because they are arranged on a totally different principle. My Report gives a total of revenue; but the items in the Decree are fractions of that total set aside for a particular purpose. And I may say that, though I am quite willing to explain anything in my Report, I cannot undertake to reconcile it with schemes for which I am not in the least responsible, and which I have never even seen *in extenso*, but which are contained in telegrams which have been more than once altered and amended by telegraph. With regard to the second Question, I have, in page 11 of my Report, computed the whole revenue, exclusive of the Moukabala, at £9,158,000, to which, of course, considerable addition must be made by the revival of the land tax on the arrest of the Moukabala. [LORD ROBERT MONTAGU: Deduction, not addition.] No! addition. The noble Lord says that the figures in his Question are exclusive of the Moukabala, and if the operation of the Moukabala be arrested, the land tax revives, and the receipts of revenue I have computed must be increased to a considerable extent. The interest on the Suez Canal shares is included in the sum set apart for the expenses of the administration of Government. Upon the rest of the Question I can give no information. The scheme for the arrest of the Moukabala has not been clearly explained, and seems somewhat obscure. In answer to the third Question, I am not in a position to give any certain information about the present total of the debt. But no doubt all debts bearing interest have a tendency to grow from day to day. With regard to the last Question, I will, with the permission of the House, read the passage which refers to the railways in page 5 of my Report—

"The net revenues of the railways have increased from £750,000 a-year in 1873 to £990,806 in 1875; but this rate of increase cannot be entirely relied upon, as more of the gross receipts will necessarily be required for maintenance and renewal as the permanent way becomes worn, and deficient crops would cause diminished traffic. Still, even after making these allowances, an honest and intelligent administration of the railways would probably produce a larger revenue."

I have nothing to alter in or add to that statement.

ARMY AND NAVY SURGEONS.
QUESTION.

DR. BRADY asked the Secretary of State for War, If it be in contemplation to employ foreign medical men, with foreign diplomas, in the Military or Naval Services of the Country?

MR. GATHORNE HARDY, in reply, said, that the medical officers in the Army and Navy had to be natives of the country or naturalized subjects, and no foreign diploma would qualify a man for such a commission. He must be a registered practitioner under the Medical Registration Act.

UNITED STATES—THE EXTRADITION
TREATY—THE WINSLOW CASE.

QUESTION.

SIR WILLIAM HARCOURT asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have come to a final decision on the subject of the extradition of the prisoner demanded by the Government of the United States, and when the Papers relating to the subject will be presented to this House?

MR. BOURKE, in reply, said, that Winslow, the prisoner alluded to, was still in custody. The application for his release was a second time postponed for 10 days on the 13th instant, in consequence of a representation made to the learned Judge by the Attorney General. That representation was made on the ground that a Note had been written by the Secretary of State for Foreign Affairs to the United Chargé d'Affaires in London in answer to the last representation received by Her Majesty's Government from the Government of the United States. The Note of the Secretary of State for Foreign Affairs had not reached Washington on Saturday last when the release of the prisoner was asked for, and on that ground the learned Judge granted the postponement. With regard to the Papers which his hon. and learned Friend had asked for, they were in preparation, and would be presented to the House as soon as the Correspondence had closed.

SIR WILLIAM HARCOURT: My hon. Friend has not answered my Ques-

tion, which was whether Her Majesty's Government had come to a final decision on the subject?

MR. BOURKE: I thought the answer might be inferred from what I have said. The Government could not come to a final decision on the matter until they received the answer from the United States Government to the Note addressed to them by the Secretary of State for Foreign Affairs.

BANKERS DEPOSITS — FINANCIAL
PANICS.—RESOLUTION.

SIR JOSEPH M'KENNA, in rising to call the attention of the House to certain existent causes and conditions which have in the past conduced to the occurrence of Financial Panics, and which tend to their recurrence; to suggest certain legislative remedies; and to move—

"That this House is of opinion that Her Majesty's Government should take into its early consideration whether it would not be for the advantage of the Country that a moderate and graduated stamp or composition Duty should be levied in respect to all interest-bearing deposits with bankers in the United Kingdom, and whether the scale and incidence of such Duty may not be so devised as to encourage the making of such deposits for fixed periods and renewable periods, as for instance from three months to three months, in preference to the system which has grown up and now prevails, whereby the greater number and amount of the interest-bearing deposits in the United Kingdom are held subject to recall at a few days' notice,"

said, he would not argue the proposition that if it be possible to prevent the occurrence, or diminish the frequency, or restrict the operation of financial panics, it was desirable to do so. He was content to allow that portion of the case which he was about to submit to rest as an assumption to be accepted or rejected according to the dictates of common sense; but he would undertake to show that there were causes and conditions conducive to the occurrence of panics which might be discovered on investigation, of which cognizance ought to be taken, because they could to a large extent be obviated, and satisfactorily dealt with by law, without inflicting the least injury on any class or interest in the Empire. That hon. Members might not mistake the scope or object of his Resolution, he would observe at starting that he was as much opposed as any hon. Member of that House to what might

be termed meddling legislation and to measures which infringed upon or hampered freedom of contract. Having said that, however, he would remark that neither in this, nor in any other country with which he was acquainted, was the law of contract, or ought it to be, in all respects perfectly free. Our system, for instance, although one of the freest, had been frequently, and was at present, designed to encourage one species of contract by immunity from tax, or by a light scale of duties, whilst it discouraged or weighted others by heavier imposts. To obviate the dangers which now existed, and which he intended to point out, he would propose that Parliament should do no more than apply this principle of imposing a moderate but appreciable and carefully-graduated scale of duties, under circumstances which it was his duty to prove to the House were sufficiently important to excuse him for occupying its attention. A few more preliminary words might not be out of place. He would propose no remedy which could cost the State anything; on the contrary, the adoption of the measure which he would suggest would open to the State a new, and in the truest sense a most legitimate, source of revenue. His object, however, was quite apart from the consideration of raising revenue, and the measures he was about to suggest had been devised solely with a view to obviate existing conditions conducive to fitful fluctuations in the value of money, and frequently leading to panic. Few, even of those who were generally well informed and highly educated, understood the precise operation of a financial panic; and still fewer were capable of distinguishing—perhaps he should more correctly express it, tried to distinguish—how far the crisis which had occurred was due to the inexorable nature of things, or to what extent it might be a preventable epidemic. They were all, no doubt, familiar with the external symptoms. They first probably read in the newspapers of a considerable fall in the prices of commodities or stocks. When that happened contemporaneously with cheap money—that was to say, with money cheap on loans from day to day, on Government Stock, or on discount of short bills—it was a bad sign, for it indicated forced sales, and want of confidence somewhere. They next probably heard

of the stoppage of large firms previously reputed to be wealthy. Then of advancing rates of interest for money, and of the diminution of the reserves at the Bank of England; then, in quick succession, of factories working only half time—of other factories altogether ceasing to work—of ships laid up in dock, or sold at ruinous prices—of furnaces extinguished—of discount houses ruined—of bankruptcies, liquidations—and so forth; and thus they acquired a forcible but somewhat chaotic notion of the disaster which had befallen the community, but of actual diagnosis they had little or none. They no doubt heard what purported to explain how it had all come to pass. One man said—"It was brought about by the failure of two or three great commercial or financial firms, which all stopped payment about the same time; people got alarmed at the extent of the over-trading and rash speculation which were disclosed by accident and magnified by rumour; and great numbers who had never speculated themselves got frightened, not knowing where the evils might end, and some of them withdrew their money from the strongest and most solvent banks. Then these banks had to limit their most legitimate advances, and to call up others in order to pay, or be prepared to pay, their own way; and so solvent people who held value against every pound they owed were driven on the market to sell their stocks at the very worst season to force sales, and then, as a natural consequence of glutting the markets, there came a fall in prices all round, which, no doubt, first broke those who had over-traded most, but then beggared nearly every one who could not carry on his business without credit." He (Sir Joseph M'Kenna) admitted that that was some account of how a panic was brought about. Another would tell the same tale, only that he would attribute the immediate cause of the panic to the outbreak of war, or the rumour of war, which was sometimes, financially speaking, quite as bad news. In respect to such explanations, he would say that they were generally true enough, but they were insufficient. Over-trading and rash speculation, and wars and rumours of wars had undoubtedly a great deal to do with financial panics. They were the untoward and alarming incidents which, so to speak, acted as depressing nervous alternatives on the public

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mind; but unfortunately, they were incidents which legislation was for the most part powerless to prevent. His observations would scarcely apply to them, and he would try to explain why they should not. The match which lighted the fuse and exploded the mine was, no doubt, in one sense, the cause of the explosion; but one seldom cared to inquire whether the match were of sulphur or phosphorus. What one would desire to know in such a case was, he would say, nearly the same in terms as what they should inquire into now, if they wished to understand the nature of a financial panic. What were the ingredients of the mine, and how were such ingredients combined so as to render them liable to explosion by accident or design? He would try to answer these questions in respect to financial panics before he sat down; he would, however, refer very shortly, in the first instance, to the panics which had occurred from 1825 to 1866. Each panic for the last half century had a history of its own. The panic of 1825 was instigated by the collapse of the numerous South American mining schemes, by which (when the community was much less able to afford it than at present) several millions were lost. The uneasiness and distrust arising out of these unfortunate speculations gave rise to a general run on the banks of that period, and very many hundreds of them closed their doors, never to open them again. It was, no doubt, the collapse of the mining speculations which alarmed the public; but it was the over-issue of notes by those bankers, often wholly unconnected with the collapsed mining adventures, which obliged them to stop payment. There was no very serious panic in England between 1826 and 1847, although there did occur seasons of considerable pressure—notably 1836—and some local panics. The panic of 1847 was caused by the alarm growing out of the numerous failures of persons who had engaged in railway enterprises and incurred obligations on shares altogether in excess of their financial resources, and by the failure of several mercantile houses, some of them in the corn trade. The amount of interest-bearing deposits in the London banks in 1847 was comparatively small, scarcely more than a tenth of the sum held in 1866. In no instance that he could

remember was there a run on any London bank in 1847. One feature of that panic, was, however, worth bearing in mind, and it was the chief reason why he alluded to 1847. The late Mr. S. Gurney—and he was no mean authority—stated that at least from £4,000,000 to £5,000,000 in bank notes were, during that panic, locked up and inoperative, having been drawn out of the several banks by persons whom no rate of interest could tempt to employ the money, and who preferred to keep bank notes rather than lodge the money to their credit in any bank. The panic of 1847 was the first that occurred subsequently to the passing of the Bank Act of 1844. It was allayed by the Government of the day issuing an Order in Council to suspend the operation of the Bank Act, in order to enable the Bank of England to afford temporary assistance to other financial institutions. Within three weeks from the suspension of the Act confidence was restored, and within a month permission to over-issue was formally withdrawn. In 1857 there was again a panic, caused this time by large failures in America. There was again the same remedy—permission to the Bank of England to over-issue to the extent of £2,000,000. Now, he would ask the House to consider what he was about to tell them. Between 1847 and 1857 the deposits in the three principal jointstock banks in London had increased from £7,215,729 in 1847, to £35,501,241 in 1857. Now, inasmuch as there were several other banks established in London in the meantime, whose operations he (Sir Joseph M'Kenna) had not taken into account, he was fully justified in taking the amount of interest-bearing deposits as having increased five-fold within the 10 years referred to. The figures he had quoted were for deposits, whether bearing interest or not; other data, however, which need not be referred to now, convinced him that the increase in the interest-bearing deposits had been continuously and relatively greater than the increase in balances which did not carry interest. In 1859 another cloud passed over the commercial horizon; it arose from the apprehension of a European war. The scare, however, passed away without producing actual panic. The year 1864 was very remarkable. From spring to autumn it boded very badly. People, however, since 1866

appeared to have forgotten the deep anxieties and vicissitudes of 1864; and yet it was the fact that never since the usury laws were repealed had so great a pressure or so high a rate of interest prevailed for a whole year as in 1864. The average rate of discount for that year, at the Bank of England, was $7\frac{1}{2}$ per cent. In the panic year of 1866 it averaged no more than 7. The panic of 1866 was sufficiently recent to be within the recollection of most of the Members of that House; he had, therefore, no intention of going through its details, but would quote the words of Mr. John P. Gassiot, one of the directors of the largest of the great London joint-stock banks, who thus summarized the condition to which the banking and financial community were reduced on the 11th May, 1866, before the issue of the Order in Council suspending the Bank Act. These were Mr. Gassiot's words—

“At any time after 12 o'clock on the 11th May, 1866, there was probably no price for which the Bank of England banks or bankers could have obtained Bank of England notes for any amount of Government Stock.”

He (Sir Joseph M'Kenna) admitted that he might now be fairly expected to give his own view of those conditions of our financial and commercial system which, he maintained, conduced to the occurrence of financial panics, and to much of the disturbance which sometimes occurred without eventuating in positive panic; and this he would do as briefly as possible. They all knew that the trade of this country was now, and always had been, largely carried on with borrowed money. They did not, however, sufficiently take into consideration this other fact—that it was so carried on with money borrowed twice over. The last-mentioned circumstance was, however, the key to the problem which they had to solve. The banker was the first borrower. He (Sir Joseph M'Kenna) had already shown that between 1847 and 1857 the deposits in three London joint stock banks had increased from £7,000,000 to £35,000,000. Between 1857 and 1866 the deposits in these three banks had increased from £35,000,000 to £57,000,000. Now, they must reflect that what had taken place with these three banks was taking place in almost all the other joint-stock banks in the United Kingdom. These monies were—to the extent, probably, of three-fourths or

seven-eighths of the whole—borrowed at varying rates of interest, and were made repayable by the banks in each case at call, or on a few days' notice. They had now to bear in mind that the banker, having himself to pay interest for the money, was obliged by the very nature of things to re-lend it, and at a higher rate, in order to re-imburse himself. Now, what he did was this—take an individual case—he lent the money to some one who, in return for the money, gave him some other security which the banker deemed sufficient at the time. When that operation was carried out—that was to say, when the banker had re-lent the depositor's money—so far as the banker and depositor were concerned, the money *qua* money had ceased to exist. It might have gone to Dantzic or to Odessa to pay for a cargo of corn; or it might have gone to St. Petersburg or Vienna to pay for the stuff which the banker had agreed to take as security; or it might have gone into some other security, good or bad. The banker, however, must be presumed to know what he was about, and, as a general rule, he got good security, and with a sufficient margin to protect him from loss. Now, they might take this as certain, that owing to the influx of deposits the normal condition of a banker in this country was that of one seeking to employ money—to lend it on good security at a remunerative rate. He could not afford to have money to any considerable extent idle for which he had himself contracted to pay interest. At this stage they had also to bear in mind that there were not commercial bills in existence to absorb half the money—or anything like half the money—which the bankers had to lend. The banker was, therefore, as an exigency of his business, constrained to advance money largely on financial securities, Government Stock, if he could get it, and he seldom could, railway debentures, railway stocks, canal stocks, Russian, French, or other Government bonds, or such like. He believed, and he was generally right in believing, that he could make himself as safe with some of these financial securities as he could be by discounting ordinary commercial bills if they were forthcoming. As a general rule, he obtained good and sufficient security for the ultimate repayment of his advances

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in all ordinary times. The one consideration, however, which was, or which should, always be present to the banker's mind was this, that as he had himself undertaken to repay his depositors at call, or on a few days' notice, he must be ever vigilant lest anything should occur, or be likely to occur, which could render his securities unmarketable for even the shortest time. Now, let them suppose that at a time when trade was neither very prosperous nor the reverse, considerable activity in some few branches and depression in others, the banker reads some disquieting intelligence. A report, apparently well founded, reaches him as to some formidable foreign complications, or it might be as to some great impending bankruptcy. Some persons believe the news, and others disbelieve it; his own opinion is that, whether it be true or false, it could have very little ultimate effect on the value of the securities in his bank. But this is not a sufficient assurance for him, if he thinks the report might suffice to render the public sensitive, or to bring down market prices; so, without betraying, or admitting that he sees, the slightest symptom of alarm, he quietly calls up a number of his loans, and declines to renew others as they fall due—which comes to the same thing. But the banker whose action he had described acted on information open to all, and it was therefore highly probable that 50 other bankers all over the country—in town and country—acted similarly, without the least concert one with another. Now, the immediate and natural effect of that was, that the customers of the banks, whose loans were called up, put unusual quantities of their stocks or their produce simultaneously on the market, and then—even supposing the amount of purchases to continue the same as usual—a fall of price ensued which, if it continued long without reaction, tended to produce that sensitiveness in the public mind which the banker had himself anticipated, but had also contributed to provoke. He (Sir Joseph M'Kenna) could not blame the bankers at all in this matter. Each banker knew that all other bankers were likely, or liable, to be influenced as he was himself, and at such a time to adopt a stringent policy. Moreover, he knew from experience that if a real pressure, even one far short of a panic,

were to come about, the customer who had been earliest forced on the market came off better than those who had been indulged until later on, when lower prices were sure to prevail. When falling prices continued to be telegraphed day after day to the country, many depositors not as yet in the least degree moved by panic, but looking out for good investments, yet hesitating to invest, gave notice to their banker to place the amount of their deposits on the proper day to their credit on current account. If these monies were shortly after chequed away, the banker congratulated himself, and had good reason for doing so, that he had made timely provision for the demand. Many such pressures as those he (Sir Joseph M'Kenna) had described, after a few days of nervousness, or a few weeks, perhaps, passed away; prices rallied; everyone became re-assured; and credit circulated once more through its usual channels. But, on the other hand, if anything to stimulate the excitement and distrust occurred, the pressure continued until at length the point was reached when sales on the market could no longer be made, even at the low figures which were set down as the market price. Prices, in fact, became nominal. At this point, panic amongst depositors might at any moment become intense. It usually began to operate in this fashion—People who were previously in the habit of lodging their daily receipts with their bankers ceased to do so, and whilst they had funds in the bank they paid off their ordinary engagements by drafts on their bankers. Other people drew out their deposits, equally without the appearance of any nervousness, but they thought it well to hold cash in their safes, in preference to having it at their credit in any bank. This latter was something like what Mr. Samuel Gurney stated as having occurred in 1847, when, to his knowledge, some £4,000,000 or £5,000,000 in bank notes were locked up in the safes of private persons. But there are also many who, under such circumstances, hold gold. Concurrently with this process, mercantile and financial failures are announced from day to day. The strongest bankers find themselves at last in this position—that if things continue to go from bad to worse, it is only a question of a very short time when

the best must succumb. Therefore, they think something must be done at once to allay the nervousness which by this time has spread widely through depositors. Thereupon a deputation of bankers is organized, which waits on the right hon. Gentleman who happens to be Chancellor of the Exchequer for the time being, and Her Majesty's Government is besought to pass, and does pass, an Order in Council to enable the Bank of England to issue bank notes in excess of its ordinary statutable powers, that it may be able to make advances to banks which are in one sense perfectly solvent, and are yet admittedly under such pressure, or in immediate prospect of it, as would render them liable to stop payment. Now, it was their duty to obviate, if they could, such wide-spread evils as had invariably occurred before this last somewhat empirical expedient—the Order in Council—had become the only resource for the strongest and best managed banks. Why should remedial or preventive action only commence when so much mischief had been already done? He said it was a somewhat empirical expedient, and yet it sufficed, because the affection was mainly a nervous one. There was a general, vague apprehension that no one was likely to have money enough to pay his way, and therefore every creditor, or at any rate a vast number of creditors, said to their debtors—"Pay us off." And then the debtors, in this last resort, being great bankers and influential people, waited on the Chancellor of the Exchequer, and got the Order in Council issued; whereupon, all at once, as if by magic, or like a miracle following some sacramental act, confidence was restored, and those creditors who the day before were anxious about their money assumed all at once that everything was set right again, and credit was re-instated by the bare tender, or by a mere morsel of relief. The success which had invariably attended the mere issue of the Order in Council—its immediate sedative effect—showed sufficiently that the evil was mainly attributable to apprehension and distrust, and was not due to the existence of obligations attributable to overtrading and reckless speculation, save and except to this extent—which he freely admitted—that public instances of overtrading and unfortunate speculation

originated too often the distrust, which then spreads far and wide. Parliament could do but little to check overtrading, or put an end to reckless speculation; but it could, nevertheless, do a great deal to curtail the area over which panic generated by such practices could propagate itself. Parliament could, by the discriminative application of a moderate system of stamp or composition duties, induce the depositing community—that was to say, all who received interest on their deposits—to adopt a routine for the making and calling up of deposits, which, without the slightest unfairness, would preclude the possibility of vast numbers of depositors simultaneously calling up their deposits under the influence of panic. Now, the process whereby that could be done was essentially simple. It was not merely inexpensive, but it might be made the source of very considerable revenue to the State. Save and except the imposition of a moderate and carefully-devised scale of stamp or composition duties—which ought never to be oppressive—he would leave the right of contract between the banker and his depositor precisely as it was at present. He did not propose to apply any rule to, or levy any duty whatever in respect to, deposits or balances in banks which did not bear interest to the depositor. As the banker received those monies without any obligation to pay interest for them, he was not compelled to make use of them by the nature of the transaction, and therefore he might be fairly looked to to have the full monies forthcoming at all times. In the case of interest-bearing deposits, the principle was quite different, and as the banker must be presumed to make use of them, he would propose that the House should so legislate as to lead the public to cultivate a system of business which would introduce more certainty into the dealings of depositors with their bankers. He proposed that all interest-bearing deposits should be made liable to a certain stamp or composition duty, like that now levied on bank notes and on bank bills in circulation. The composition duty now payable by bankers on their notes and bills in circulation was at the rate of 7s. per cent per annum. He did not propose to apply this precise rate in any case, and merely mentioned it because it was an impost of an analogous nature, if not quite

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similar to that which he was about to suggest. In the matter of impost he proposed that a very light scale indeed should apply to the classes of deposits which should be made least susceptible of being acted upon by nervous or panic-stricken persons. With this view he proposed that every interest-bearing deposit of money made with a banker in the United Kingdom should, if no stipulation to the contrary were made, stand as payable on the day three months following the day of lodgment, and not be of right payable on an earlier day; and, if not demanded on its first day of maturity, should stand as re-lodged for another three months, and so on from three months to three months. These he would call "common deposits." He would suggest their being made subject to a composition duty, payable by the banker, and not chargeable against his depositor, at the rate of 4s. per cent per annum. Nothing should prevent the banker, if he thought fit, on the request of his customer, from paying any such deposit at an earlier day than the next maturity; but they should not be at liberty to stipulate beforehand that he should do so. In cases where what he called a "common deposit" would not suit the depositor, he might stipulate to lodge the money repayable at shorter intervals than three months, but in each such case, if the period fixed were not less than three weeks, he would subject the deposit to a composition duty at the rate of 1s. per cent for each such period; but in these cases the duty would not be borne by the banker, but would be deducted by him from the accrued interest, and so accounted for to the Commissioners of Stamps and Taxes. If the deposits were made repayable at periods less than three weeks, he would render them liable to a duty of 6d. per cent in respect to each such shorter period—to be charged, collected, and accounted for as in the previous case. If the deposit were made repayable after a certain number of months, weeks, or days' notice had expired, and not at a fixed time, the number of such months, weeks, or days would be treated as a period, and the deposit would be liable to a duty of 6d. or 1s. per cent—as the case might be—for each such period of months, weeks, or days as it remained with the banker—to be charged, collected, and accounted for—as in the two

last-mentioned cases. There were some other details and some purely technical matters which would have to be considered; but he would not dwell upon them now. He estimated that more than two-thirds of the deposits in the banks of the United Kingdom would, from mere motives of economy, fall into the three-monthly routine of common deposits. He needed not to dilate on the advantages which would accrue. He had explained, as well as he could in brief terms, the nature of the present dangers and disadvantages, all of which would almost wholly disappear. The trading and financial communities had all felt the hardships and the grievances incidental to the present system; they would be among the first to realize and appreciate the advantage of the organization of credit which he proposed. He spoke from a very intimate acquaintance with the subject; he had not the slightest shadow of personal interest in the matter. Now, as for the depositors, the great majority of them would, he had no doubt, be pleased as well as benefited. They were, for the most part, men who had genuine confidence in their banker, but who were sometimes induced to join in a run after this fashion—A B feared what might be the effect if C D and E F, and all the rest of them, drew out their money before he did so himself. All those quiet people—and they were the great majority—would have the ineffable satisfaction of knowing that the bank in which their monies were lodged could not be imperilled by a simultaneous panic of its depositors. But those who would benefit most of all by the organization of credit were the honest and legitimate traders—whether their trade be manufacture, commerce, or finance—the classes from whom and from whose skill and industry the banker's profits and the depositor's interest were alike derived; for they would no longer be dealing with bankers who had only a fitful and wavering tenure of the funds they dispensed, but with men whose engagements were so marshalled and provided for as to render them reasonably masters of their own actions and policy. He had to thank the House for the patience with which it had listened to him, and to move the Resolution of which he had given Notice.

MR. COLLINS seconded the Motion.

Motion made, and Question proposed,

"That this House is of opinion that Her Majesty's Government should take into its early consideration whether it would not be for the advantage of the Country that a moderate and graduated stamp or composition Duty should be levied in respect to all interest-bearing deposits with bankers in the United Kingdom, and whether the scale and incidence of such Duty may not be so devised as to encourage the making of such deposits for fixed periods and renewable periods, as for instance from three months to three months, in preference to the system which has grown up and now prevails, whereby the greater number and amount of the interest-bearing deposits in the United Kingdom are held subject to recall at a few days' notice."—(*Sir Joseph M'Kenna.*)

MR. THOMSON HANKEY said, that the recommendation made by the hon. Gentleman was one purely for the consideration of the Chancellor of the Exchequer. The hon. Member had proposed to tax all deposits left with the bankers; but he had not shown that people would continue to deposit as much with the bankers as they did at present. The public left money on deposit with the bankers for two reasons—either for safe custody, or because they got better interest than elsewhere. If, however, notwithstanding a tax on deposits, an equal amount were left with the bankers no one would be so glad as the Chancellor of the Exchequer. A very small tax on these very large deposits would give the Chancellor of the Exchequer more than he wanted, and would enable him to take a penny off the Income Tax. For himself, however, he could not understand how a tax on the profits of the bankers was not to affect the amount of the deposits left with them; and he trusted that some other hon. Gentleman would follow who would remove the doubts he felt as to the practicability of the proposal.

THE CHANCELLOR OF THE EXCHEQUER said, he had hoped that the House might have been favoured with some discussion on the part of hon. Members who were practically acquainted with the system of banking in this metropolis, as he hardly felt able to deal adequately with the subject. Undoubtedly the evil at which the hon. Gentleman directed his Resolution was one of the greatest magnitude, and if the House saw its way to putting an end to the panics that occurred at intervals

and caused so much injury it would be very desirable to take some action in the matter; and if, moreover, the remedy took the form of putting a considerable sum into the Exchequer, that would be an additional inducement to the Chancellor of the Exchequer to look favourably upon such a scheme. Undoubtedly, however, the suggestion of the hon. Member could not be adopted by the Government without considerable hesitation, and without fuller and more ample discussion than it was likely to receive on the present occasion. It had frequently happened, when pressure and alarm were felt in the Money Market, that the depositors in banks withdrew their funds. The bankers, in turn, finding a certain pressure upon them, and fearing that it might increase, began to realize their securities and call in their money from the Bank of England and other firms, so as to be in a position to meet the demands of those who had deposited money with them. The mischief, therefore, went on growing, and the apprehension of panic itself produced panic. It was most desirable to allay that apprehension; but he could not see that the remedy proposed by the hon. Member would have the effect he contemplated, or that if it succeeded to a slight extent it would counterbalance the inconvenience that would follow its adoption. The House must look at the root of the matter, which was that a large proportion of the business of the country was carried on upon credit. It must have a certain basis, and when credit was shaken, if the loanable capital available were too small, it caused a rush for that capital, and when it was found to be insufficient the panic went on spreading, and the fall of one house caused the fall of others. The real remedy was for those who were concerned with monetary affairs to be on their guard, to be wise in time, and to avoid putting too great a pressure upon the loanable capital when there was a danger of scarcity. It was, therefore, desirable that the public should be supplied with all the information possible as to the amount of capital obtainable, and hence the value of the publication of the Bank of England Returns, &c. The hon. Member proposed, however, that the State should step in and should endeavour to prevent these panics by discouraging the depositing of money

with the bankers by means of placing a tax upon those deposits. But was that the way to increase the quantity of loanable capital? He could not see that the hon. Member had made out so clear a case as to justify the House in interfering with the natural operations of trade. The question would arise—"What is a Banker?" Another question would be as to the nature of the inspection of the bankers' accounts on the part of the Government, so that they might get the proper amount of tax in the way of stamp duty or otherwise. It would be necessary also to know what amount of interference with the business of the banker would be requisite. The real difficulty was the competition between the bankers for the unemployed capital of the country, and the question was whether that could be stopped by diminishing the profits of the bankers by the plan of giving the State a proportion of those profits. The hon. Gentleman must, he thought, be conscious of the difficulty and complicated character of a proposal involving so many considerations, and he must feel that it would be premature to ask the House to pronounce an opinion upon it at the present moment. He shrank very much from encouraging the hope that the action of the State was what was required to prevent these panics in the Money Market. He thought it was a dangerous thing for them to encourage the hope that they could put a stop to the mischief or prevent the recurrence of the panics by anything they could do on the part of the State. He did not say it was absolutely impossible that State interference might not be desirable and useful in such matters; but he did say that it would be mischievous to lead the Money Market and business people generally to believe that the Government had devised a penacea that would guard against these panics. The effect would be that the lessons of the past, which it might be hoped had taught a good deal of caution, would be in danger of being neutralized by the idea that some security had been provided, and people who were naturally anxious to make the most of their money would allow little restraint to be imposed by the fear of what might happen from any reckless proceedings. Indeed, they might be encouraged in reckless proceedings by thinking that Parliament had devised a plan that was to be a

safeguard against them. Therefore, he was not at all prompt to welcome, or at all events accept proposals of this character. At the same time, it would not be courteous if, after so brief an examination of the subject, they endeavoured to pass any summary verdict against the proposal; and therefore he would suggest to the hon. Gentleman that it would be preferable, having brought his statement forward and drawn public attention to the subject in a way which would probably lead to discussion, to withdraw the Motion and not compel the House to come to a decision upon it.

SIR JOSEPH M'KENNA said, he had great pleasure in falling in with the view of the Chancellor of the Exchequer. He committed the problem, with the solution he had suggested, to the consideration of the public. If it did not find favour with the bankers, it was not likely it would find much favour with himself; because he deferred very much to their judgment in a matter which affected their own interest and that of their customers and clients. He had, however, little doubt of the reception his proposal would meet when its nature became generally understood.

Motion, by leave, *withdrawn*.

MERCHANT SERVICE OFFICERS.

RESOLUTION.

MR. T. BRASSEY, in rising to move—

"That it is expedient that voluntary examinations should be held under the Board of Trade in modern languages and commercial law, and that further inducements should be given to merchant officers to study at the Naval University at Greenwich,"

said, that, amid the long debate on the causes of shipwreck in which they had lately been engaged, the efficiency of the officers of the Merchant Service had never been called in question. While it was generally acknowledged that the examinations for masters and mates, conducted under the Board of Trade, had produced excellent results, it was obvious, from the Consular Reports, to which he would shortly refer, that the condition of the Merchant Service as to officers still left much to be desired. It would be his duty to insist chiefly on the defects of the inferior class of shipmasters. He desired, how-

ever, not to be misunderstood, as intending to draw a general indictment against our Merchant officers. The state of the profession might still be accurately described in the language of Lord Ellenborough, in the Report of the Committee on Pensions—

“Masters of merchant vessels differ widely in their qualifications and character, and are of many various grades in society. While some may be little superior to seamen, there are others not only distinguished by the highest acquirements in the practice and science of navigation, but as gentlemen of the best education and manners.”

His object on the present occasion was to induce the Government to make further efforts to raise the standard of professional knowledge among the Merchant officers of the inferior class; and, in order to show how necessary it was that something should be done, he would refer, in the first place, to the Report of the Commission on Unseaworthy Ships, wherein it was stated that while from 1856 to 1872, inclusive, only 60 ships were known to have been lost from defects in the vessels, 711 were lost from neglect and bad navigation. As a commentary on these melancholy statistics, the Mercantile Marine Association of Liverpool had lately re-published the following observations from *The Shipping Gazette*:—

“Great as is the improvement in the *status* and condition of merchant captains and officers, which has resulted from the Board of Trade examinations, the system has not by any means completed its work, or produced all the results of which, properly administered, it is capable.”

He would now refer to the replies of Her Majesty's Consuls to the letter of the hon. Member for Reading (Mr. Shaw Lefevre), calling for their opinion as to the condition of the Merchant Service. Similar inquiries had been made in 1843 and 1847, and a comparison of the earlier Reports with those of 1872 showed a marked improvement. As a rule, steamers and first-class sailing ships were well commanded. Good ships generally attracted good crews; but, in inferior ships, many even of the latest Reports indicated a state of things which was far from satisfactory. It would be necessary to give a few quotations, in order to convince the House of the necessity for reform. Mr. Mark, British Consul at Marseilles, had written as follows:—

“England is not fairly represented by the men who command her ships on the ocean. The

grossest ignorance is seen, and drunkenness largely prevails among them.”

In those branches of trade, in which British ships competed with foreign vessels commanded by a superior class of officers, shippers naturally gave a preference to the foreign flag. Sir S. R. Crowe, our Consul General at Christiania, said—

“In cases of competition between British and Norwegian ships, when the master of the latter accepts the same rate of freight as his British competitor, he will generally be preferred; as the British sailing ships visiting Norway are commanded by third and fourth class masters, who frequently have neither education nor sobriety to recommend them.”

Mr. Ward, Vice Consul at Memel, had made a similar Report—

“It is only too true that the German seamen, and more especially the masters of ships, are, as a rule, a very superior class of men in point of ability, education, and manners, in comparison with British seamen and masters employed in the Baltic trade.”

We had a similar opinion from Mr. Doyle, Consul at Pernambuco—

“The masters of British sailing ships are, as a rule, a proverbial contrast to the masters of ships of most other nations; and it is a wonder, considering the disproportion between the remuneration for which British masters work, and the valuable property entrusted to them, that the navigation of these vessels and the trade through them is carried on with so much honesty and regularity.”

He would next refer to the Report of Mr. Gould, our Secretary of Legation at Stockholm, on the British shipping trade with the Baltic—

“In 1872, 1,714,000 tons of shipping were employed in the direct trade between Sweden and Great Britain. Only 25 per cent of this tonnage was British.”

The Swedish shipowners had no advantages in the cost of building and sailing their ships. Mr. Gould attributed the success of the Swedish shipowners solely to the superior education of the masters they employed. Our shipmasters were totally ignorant of the Swedish language, while the Swedish and Norwegian masters were as much at home in England as in their own country. It had not been a difficult task to show that, in the inferior class of British merchant vessels, many officers were to be found who were ill-conducted and badly educated. It was not equally easy to provide a legislative remedy for the evils which had been described. As a rule, only the

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ill-paid were ill-conducted; and it was impracticable for the Legislature to regulate the private bargains between needy shipmasters and parsimonious shipowners. His statement, however, would be incomplete without some reference to this aspect of the question. Mr. Mark, our Consul at Marseilles, said that British shipowners should give better remuneration to their captains, and oblige them to hold a share in their vessels. Captain Toynbee, in a speech delivered last year at the Society of Arts, pointed out that there were masters of ships of 800 tons, in the East Indian trade, whose salaries were only £10 a-month. The institutions set up by the benevolent for the relief of merchant seamen, were chiefly used for the benefit of the officers under whom they serve. Of the 1,200 orphans, who had been inmates of the Merchant Seamen's Orphan Asylum, at Snaresbrook, the children of captains number 637, those of mates 330, while the children of seamen were only 77 in number. There were at present 254 orphans at Snaresbrook; but, of these, only 16 were the children of seamen. While he admitted that the question of remuneration must be left in the hands of the shipowners, he ventured to hope that an expression of opinion in that House might have the effect of establishing a more just view of the responsibilities which belonged, and of the reward which was due, to the masters of merchant ships freighted with cargoes, and often with hundreds of human beings. Turning from the remuneration to the professional education of merchant officers, the examinations already established had done great good; and the Board of Trade would do well to proceed further in the same direction by encouraging a broader education for the Merchant Service. Modern languages, as suggested by Mr. Gould, and the elements of a commercial education, should be added to the subjects included in the present examinations. The new subjects might at first be offered voluntarily by candidates, to whom an honorary certificate might be given, as it was already granted for superior proficiency in mathematics. In the Merchant Service a knowledge of languages was, at least, as essential as a high standard of mathematical attainments. You might make a good landfall without trigonometry; you could not trade with

people whose language you did not understand. In offering these suggestions to the Government, he might refer to the long-established regulations of the principal maritime nations. Mr. Lindsay, in his *History of Merchant Shipping*, said that, in Norway and Sweden, masters of ships had to undergo a general examination in shipping affairs, in the customs and navigation laws, and in the foreign exchanges. In Russia and Prussia, they had to show some knowledge both of French and English. In France, a Professor, paid by the Government, resided at each of the principal ports, and afforded to all, seeking to be masters in the Merchant Service, instruction, free of charge, on the different subjects connected with their profession. He claimed the example of France as an argument which, he hoped, would prevail with the First Lord of the Admiralty, and induce him to consider favourably his second proposal. We had organized a considerable force of seamen as a Naval Reserve; but we had not formed a corresponding body of thoroughly trained officers for that Reserve. In the debate on the Manning of the Navy, in 1860, Sir Charles Napier said truly—

“Suppose you have obtained your Naval Reserve, where would you get officers to command them? You would find it absolutely necessary to come to the Merchant Service.”

He would not enter, on that occasion, into the question of the general organization of the Naval Reserve; but he would urge the importance of making the University at Greenwich a connecting link between the Royal Navy and the Mercantile Marine. Not until its benefits were extended to officers of the Merchant Service could the College at Greenwich claim to be regarded as a truly national institution. The lectures were already accessible to Merchant officers; but that was not enough. The majority of masters and mates were too poor to be able to give up a year's income for the purposes of study. He would, therefore, propose, that studentships for a certain number of officers of the Naval Reserve should be established at Greenwich. Students should be admitted to residence at the Naval College for 12 months, free of charge, and should receive a sum of not less than £60 a-year. These privileges would enable an officer, who had served in the Merchant Service

in the capacity of mate, to study at the College without pecuniary loss. The studentships should be open for competition to all midshipmen of the Naval Reserve, who could show a sufficient length of actual service at sea. The gradual introduction into the Merchant Service of officers of higher attainments, who had had associations with the Royal Navy, must be a mutual benefit to the two Services, and therefore a public advantage. We might look to the Greenwich students as men well qualified to serve in the Navy in time of war, while their example and influence in their own Service, in time of peace, would tend to raise the general tone of their profession.

Mr. E. J. REED, in seconding the Motion, said, that his hon. Friend having confined himself mainly to the commercial aspect of the question, he should ask the attention of the House to the fact that a majority of the losses occurring in the Mercantile Marine were directly traceable to the want of education in the captains and chief officers, who ought not only to be perfectly competent to navigate the vessels entrusted to them, but should be able to advise the owners as to the state of the vessels, their equipment, stowage, and crew. That a higher education of officers in the Mercantile Marine was necessary was made clear by the Consular Reports sent to the Board of Trade from Lisbon, Bahia, Callao, Montevideo, Portland (Maine), Marseilles, and Para. It was not to be expected that men who were ignorant, drunken, and without character, could be relied upon to discharge their duty to their owners, and to exercise a proper degree of knowledge and skill in the art of navigation, and he thought his hon. Friend had done good service to the country in bringing the subject under the notice of the House. Some disastrous cases had recently occurred, and it was doubtful whether a master was justified in engaging men and going to sea with a crew with whom he could only deal by having a revolver in his hand. Now, what could be done to improve the present state of things. It was said that the Government had nothing to do with providing efficient captains. That was true in the main; but when we were voting such large sums for the education of persons whose engagements kept them on dry land

we ought not to turn a deaf ear to the necessity of improving the condition of our Mercantile Marine. One of the best means of so doing was that of diffusing education amongst the young men who were growing up and who were intended to be officers and commanders, and he thought the Board of Trade might exercise considerable influence by promoting examinations in modern languages and commercial law, and trusted the right hon. Gentleman (Sir Charles Adderley) would not hesitate to take a step in that direction, the expense of which would be very inconsiderable. The second portion of the Motion of his hon. Friend must recommend itself to the House, as it was to make that great and national institution, the Naval College at Greenwich, still greater and more national, and he (Mr. Reed) thought that means might be found for accomplishing that object. But he would go further and say that it was most remarkable that there was a greater separation between the Royal and Naval Mercantile Marine in this country than in any other nation of the world, vessels abroad being frequently commanded by officers of the Royal Navy. We ought to commence with the younger officers of the Service, and the Admiralty ought to make it a condition with the officers of the Royal Naval Reserve that they should go through a thorough examination in gunnery and other important subjects. He saw nothing to prevent the cadets in the Naval Service from going to sea in merchant ships. Every gun-room in the Royal Navy was crowded with young gentlemen who were receiving a training which was far inferior to that which they would obtain on board a merchant ship. He trusted that before long a Minister would be found who would take a sufficiently large view of the subject to endeavour to bring to an end what he regarded as the utterly indefensible position of the Royal Navy in this respect. We were blaming the increase in the Navy Estimates, which arose entirely from the separation between the Royal Navy and the Mercantile Marine, while there was no way by which the Navy Estimates could be so well reduced as by bringing the two Services into intimate connection. He wished to suggest that the posts of British Consuls at foreign seaports should be given to retired officers of the Mercantile Marine, who

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were peculiarly fitted to discharge the duties attached to those appointments. There were at the present moment 126 British Consuls at foreign seaports, who were receiving salaries amounting to £81,500, and ranging from £1,000 to £400 a-year, and a considerable advantage might be gained by giving those appointments to men who had distinguished themselves in the Mercantile Marine. He trusted that he should hear from Her Majesty's Government an expression of their intention to adopt the course indicated by the Motion which he had the honour of seconding.

Motion made, and Question proposed,

"That it is expedient that voluntary examinations should be held under the Board of Trade in modern languages and commercial law, and that further inducements should be given to merchant officers to study at the Naval University at Greenwich."—(*Mr. T. Brassey.*)

LORD ESLINGTON did not see that any serious objection could be taken either to the terms or to the object of the Motion, and expressed his belief that the hon. Gentleman opposite (*Mr. Brassey*) had done good service to the country by calling attention to the subject now before it. He must, however, remind hon. Members that many of the most efficient officers in the Mercantile Marine had risen from the fore-castle, and that it would be exceedingly difficult for them to acquire a competent knowledge of foreign languages at their advanced period of life. He was, however, strongly in favour of giving an early training to our officers of the Mercantile Marine. He had had many opportunities recently of mixing with those officers, and he confessed that he had been perfectly delighted at the attainments, the intelligence, the ability, and the integrity they had displayed, while as far as general culture was concerned they were fit to hold their place in any drawing-room in England. It would be of the greatest benefit to the Royal Navy and to the Merchant Service if training ships common to both could be established in all the chief ports. It would have the effect of uniting the youth of both Services and of breaking down that odious barrier that had too long existed between them.

MR. D. JENKINS said, that a considerable improvement in the education of the men of the Merchant Service was introduced by the Board of trade, but it

produced "cramming," and the men after they had passed their examinations were found not to be capable of performing their duty. He believed that one-half of the disasters at sea among merchant ships, of which they had heard so much, was entirely owing to the ignorance and incapacity of men placed in command of ships without a proper knowledge of their duties. As to the Reports of foreign Consuls alluded to in the debate, he did not himself place much reliance on them; he believed the source of all the evil was the want of practical judgment in the officers, which could only be learnt by long and continuous service at sea. As a rule, their best seamen were taken from the lowest class of ships, who scarcely ever received more than a scanty education. The pay of the masters in merchant ships was almost equal to that of the pay of lieutenants in the Royal Navy. He should support the Motion with great cordiality, although he did not go so far in his views as his hon. Friend.

SIR CHARLES ADDERLEY said, he had a respect for anything which fell from the hon. Member for Hastings (*Mr. Brassey*) for the improvement of the Merchant Shipping Service; but it was not very encouraging to the Minister who had the subject in his own charge to find that every one of the Members who had spoken on this Motion differed as to the way in which the hon. Gentleman's proposal should be carried out. He would remind his noble Friend (*Lord Eslington*) and those who supported the Motion that if the condition of the Merchant Service of the country was to be raised it was not to be done by exaggerating the evils or proposing impracticable measures to remove them. The hon. Member for Pembroke (*Mr. E. J. Reed*) cited a recent case, which had given great pain to all who heard of it, as illustrating a want of education on the part of the officers in the Merchant Service. That case in no way reflected on the officers, but it reflected in the greatest degree on the men. It was acknowledged by the Royal Commission, of which the hon. Member for Hastings was a most distinguished and useful Member, that the improvement of the officers in the Merchant Service was in striking contrast with the condition of the men. As to the proposal of the hon. Member for Hastings for improving the officers

of the Merchant Service, suppose the higher examination which he suggested was made, and certificates were given to those who passed that examination, would those superior certificates draw higher pay for those who gained them than the lower certificates? If not, the offer would not be met. He was afraid that if the examination proposed by the hon. Member in modern languages and commercial law were established, many candidates for it would not be found, and even if they got candidates to pass such an examination, that there would not be a sufficient demand for their services to command for them higher pay. If the hon. Member suggested that the Board of Trade should stipulate that no master should take the command of ships of a certain tonnage who had not passed an examination in modern languages and commercial law, that would be a more stringent proposition, but it could hardly be carried out. He thought the examinations now provided for officers of the Merchant Service were very good for their purpose. They were of two grades, and he was afraid they were already at a standard beyond either the supply of candidates, or the demand for the services of those who passed them. The Consuls said generally, in their answers to the Circular referred to, that they considered that the present examinations offered in most cases a sufficient guarantee of the efficiency of the officers in the several capacities in which they engaged to serve; and, further, that nothing should be introduced into the test examinations for certificates beyond what was necessary to show that a man was qualified to command and navigate a ship. He rather sympathized with that opinion. As to Norwegian masters mostly now knowing a foreign language, that foreign language generally happened to be English, and it certainly took away much of the inducement to English masters to study other languages, that they found their own was getting current almost all over the maritime world. With regard to commercial law, he had always felt convinced that a little law was a dangerous thing, and to a merchant captain a smattering of commercial law might be a very doubtful advantage to himself or his employer. Under the existing examination 50 per cent of the candidates were plucked, mostly on spelling; and as they were therefore hardly mas-

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ters of their vernacular tongue, it was premature for them to aspire to a knowledge of foreign languages. In the common pass examination invoices, charter parties, and similar matters were already among the subjects included. There was also an examination for a higher grade. There was a marked improvement compared with 20 years since in the knowledge and acquirements of the Merchant Service. The officers of that Service were drawn in this country from the men; but in foreign countries they were drawn from a class of naval cadets, much in the way in which we drew our officers for the Royal Navy. The experience of the Service abroad and at home could not, therefore, be so easily compared. Whether it was not desirable that our Mercantile Marine should be more assimilated to the Navy was a fair subject for consideration. The hon. Member for Pembroke was mistaken in saying that the use of the Naval College at Greenwich had been practically denied to the Merchant Service. The truth was that its use had been largely offered to them, and had been practically refused. Under the Order in Council of 1873 gratuitous instruction for 10 officers of the Merchant Service at the Naval College, Greenwich, had been held out for three years, and only one had taken advantage of it. But supposing they were willing to accept the offer made to them, where was the money to come from for studentships, for the increased staff, and all the other adjuncts which would be necessary to give the plan full effect? There was certainly no appreciation of the offer likely to furnish the means. In conclusion, he did not at all depreciate the object which the hon. Member (Mr. Brassey) had in view; but he did not see how his specific proposal could be carried out, nor did he think the evil was so great as had been represented. The qualifications of the officers in our Merchant Service were now rapidly improving, the present system of examinations under the Board of Trade was very good, and the Service hardly came up to the standard already required.

MR. T. BRASSEY said, that after the declaration of the right hon. Gentleman he should withdraw his Motion.

Motion, by leave, *withdrawn*.

UNIVERSITY EDUCATION (IRELAND) BILL.

LEAVE. FIRST READING.

MR. BUTT said: In accordance, Sir, with the Notice I have given, I move for leave to bring in a Bill to make better provision for University Education in Ireland. I do not anticipate that any opposition will be offered to that Motion; but although the Bill which I hold in my hand has been prepared before the Session commenced, I have deferred moving for its introduction until I could have an opportunity of making a statement as to its object and provisions. In doing so I may be permitted to say that I know of no subject of greater importance to the people of Ireland. I know none of greater difficulty. I need scarcely remind the House that three years ago it led to the overthrow of a very powerful Ministry. I feel that in the very announcement which I make I expose myself to the charge of presumption if I entertain—as I do entertain—the hope that I can offer a plan which may meet the difficulties that surround any attempt at a satisfactory settlement of this great question. I believe, Sir, there are few persons who will deny that the present University system of Ireland is unsatisfactory in not providing for the Roman Catholics of Ireland a higher education of which they can avail themselves upon terms of equality with Protestants. I use the words “higher education” advisedly that I may avoid that which has been, I cannot help thinking, the source of exaggeration and mistake. In dealing with the question of University education we are not dealing with the education of the great mass of the people. We have to consider the system which is suitable to those classes who in any country are likely to avail themselves of the benefits of University education. But in this view no one who will fairly consider the question can deny that our present system is defective. It does not deal equally with Protestant and Roman Catholics. Three years ago the then Prime Minister spoke of the present state of things in the following terms:—

“Now, I will look at the question in a very simple form. What is the state of the case as to the actual enjoyment of University training by the Roman Catholics of Ireland? I shall not enter into those details of controversy which have been handled with great ability by Gentle-

men on one side and the other. There are those who think, and who are bold enough to maintain, that upon the whole, considering who Roman Catholics are, considering how little property they possess, how little it is possible for them to enter upon the higher culture, their state, so far as University education is concerned, is not very bad at this moment. I hold, on the contrary, that it is miserably bad. I go further; and I would almost say, it is scandalously bad.”—[3 *Hansard*, ccxiv. 386.]

I entirely concur in the words which upon that occasion the right hon. Gentleman used, when he said that the settlement of this question was—

“Vital to the prosperity and welfare of Ireland. For even if we think that University education is a matter less directly connected with the peace and happiness of the country than others on which we have formerly been called upon more than once to proceed, it must be borne in mind that when we look into the far future the well-being of Ireland must in a great degree depend on the moral and intellectual culture of her people; and that in the promotion of that culture the efficiency of her Universities cannot fail to be a powerful and effectual instrument.”—[*Ibid.* 378.]

At this hour of the evening I must endeavour to compress into a compass as brief as I can the statement with which I must trouble the House. I come at once to that which meets us at the very threshold of this great question. The present arrangements of University education in Ireland are unsatisfactory to the Roman Catholic people. They are so, because they do not offer them a University education in accordance with their religious convictions. Those convictions lead them to believe that all education is imperfect—more than imperfect—is dangerous, which is not based upon religion. There is no escape from this question. You must maintain a University system in antagonism to the convictions of the great mass of the Irish people—a system in perpetual, although it may be in subdued, war, with their deepest and most sacred feelings—or you must mould that system so as to admit within its institutions which will give to the Roman Catholic people an opportunity of sharing in all the benefits, all the advantages, and all the emoluments which you attach to University education upon the terms of perfect equality with Protestants, upon the only terms that can place them upon that equality—that is, upon terms that will recognize their deep, their conscientious conviction that religion must be interwoven with all the teaching and

with all the arrangements of collegiate life. I do not stop to argue the reasonableness of that conviction. The statesmanship is a very poor one that refuses to accept the deep-seated convictions of men as facts which it must estimate as real forces with which it has to deal. Institutions are made for men, and not men for institutions, and the man who would build up a system of University education for Ireland from the estimates of which he omitted all calculations of the deep-seated convictions of the people would soon find that no matter with what fair prospects his system was proposed, no matter upon what specious theories it was based, it would fail, and fail as miserably as many of your best devised plans for governing Ireland have failed, from the slight defect that they omitted to take into account the character and the feelings of the people for whom they were intended. But, Sir, I am not ashamed to confess that in the conviction that education ought to be based upon religion I entirely concur. It is, at all events, a principle that has come down to us with great traditions of Christendom, Roman Catholic and Protestant. It has come to us with the authority of the wisest of men, who, even without the light of Christianity, anticipated in the instincts of human conscience its teachings. It has come down to us with the mighty memories of men who, trained under its influence, have done good service to the commonwealth in Church and State. For myself, I would ask for a strict principle of toleration. I will ask it to-night both for Protestant and Roman Catholic. Do not force upon us, in obedience to a small and insignificant sect of secularists, a denial in our University system of a principle which 99 out of every 100 Irishmen, Protestant as well as Catholic, hold dear. But this is not essential to the argument I am addressing to you to-night. It is enough for me to say, as I have said, that if you desire that your University system should embrace those of the Catholic people of Ireland who would naturally look to the benefits of University education, you must provide for them the means of having that education in such a form that their views of the necessity of its being interwoven with religion may be honestly and fairly met. If this be the right conclusion, we have then to look at the existing state of things. I will not stop to go back

upon the history of ancient University institutions in Ireland. It is enough for me to say that we find there one institution, founded in the reign of Queen Elizabeth, which up to the present generation has been the only University for Ireland. It has taken its place with the elder Universities of Great Britain and of Europe. Its degrees are recognized, not only in Oxford and Cambridge, but in every academy in Europe. The fame of its men of science is known in all lands where the higher attainments of science are valued. Its history is interwoven with that of the country. Few of the men of whom Ireland is proud have not received their education within its walls. I am old enough to remember hearing O'Connell, in a public meeting, lament that he was sent to the Continent to receive his education; because when he was ready for Trinity College, Trinity College was not ready for him. For one great section of Irish society this institution has fulfilled the functions of a National University. By it Protestant thought and intellect have been trained. But, established as it was in the first ardour of the Reformation, it has not altogether failed in providing education for the Roman Catholic people. More than 70 years ago its statutes were so changed as to admit all creeds to the benefits of education and the privileges of its degrees. Long before your English Universities thought of toleration, Trinity College opened its doors to men of all religious creeds. In 1793 the Irish Parliament repealed all the Acts of Parliament which interposed obstacles to the admission of Roman Catholics to the benefits of degrees. In the lists of our Roman Catholic Judges, of our Roman Catholic Members of Parliament, of the men eminent in Irish public life, you find those who have won distinction in the University. There are in this House a larger number of its graduates representing Catholic than there are Protestant constituencies; and Protestant as has been its character, with almost all its emoluments and offices reserved to Protestants, Trinity College has a hold, and a strong hold, upon the sympathies and respect of the whole Irish people. I must stop for a moment to inquire upon —

ments it has accomplished
the Report of the Com
its revenue derived
stated to be £36,00

obtained last year by the hon. Member for Longford (Mr. O'Reilly) makes its income from endowments £43,000. I do not stop to account for the discrepancy. I contrast this sum of £36,000 or £43,000 with the revenues of the English Universities. I need not remind the House that Trinity College is a College discharging the functions both of a University and a College. It is the one College of the Irish University, and in both characters it has endowments not much exceeding at the outside estimate £40,000 a-year. It appears by the Report of the Commission on the English Universities that the University of Oxford has endowments amounting to £29,000 a-year; its Colleges and Halls to £307,000. Cambridge has University endowments amounting to £13,000 a-year. Those of its Colleges and Halls amount to £264,000 a-year. So that the University of Dublin has been keeping its place among the Universities of the world upon an endowment not exceeding £40,000, in contrast, and often in rivalry, with the two English Universities, with revenues of £631,000. Now, Sir, it appears to me that when we come to consider how we are to remedy the injustice that is done to the Roman Catholics of Ireland under the present arrangements, we must consider the existence of our present University in two respects. We have a University made illustrious by great traditions, with a recognized status earned by centuries of work, and commanding for its degree a reception all over the world. It appears to me that it would be very unwise to throw away from our Roman Catholic countrymen all these great advantages, which no power and no endowments could give, to a new institution. We must make the attempt to admit them fully and unreservedly into all the advantages we have acquired—into a complete partnership with all the treasures of memory that Trinity College has inherited from past times, and we must do this while we give them a University education consonant with their own convictions—an education with which religious training and religious teaching shall be inseparably associated. In this view I believe we are led at once to the conclusion that we ought, in re-adjusting our University system, to maintain its identity unbroken, and its status and its ~~unimpaired~~. This is the more ~~of~~ of the question, because

it concerns the whole people. But there is another consideration not to be overlooked. Trinity College has provided a University education that meets the wants and wishes of one great section of the people. We ought not lightly and without necessity to destroy this. All considerations, therefore, point to this—that in framing a measure to admit Roman Catholics to perfect equality in our University system we ought to preserve, as far as possible, the main features of that system, and in admitting others to equal advantages, to leave to the Protestant community those which they have so long enjoyed. I believe we can obtain all this by building on the lines of the Act passed by the Irish Parliament in 1793. That Act expressly contemplated the establishment, at a future day, of a second College in the Dublin University—a College of which all the emoluments and offices should be open to Roman Catholics, although not excluding Protestants from its education. The Bill I hold in my hand is an attempt to accomplish the establishment of a second College—one that will be essentially Roman Catholic in its character, and which will give to Roman Catholic parents the opportunity of obtaining for their children a University education, in the form and manner in which they themselves desired it should be given. After 83 years I am asking the Imperial Parliament to perfect the work of liberality and toleration which an Irish Parliament, composed exclusively of Protestants and elected exclusively by Protestants, commenced in 1793. If the House will permit me I will endeavour, in the first instance, to place before them the provisions proposed in the Bill for the establishment of such a College. We might, of course, incorporate a new body of nominees either of the framers of the measure or of the Crown; but I am quite sure that we should act most unwisely if we overlooked the fact that the exigencies of their position have forced the Catholic people of Ireland, out of their own resources, without any Government aid and without any State authority, to frame and form an institution which might discharge for them the functions of a University. The Roman Catholics of Ireland have proved their zeal and earnestness in this matter of education. Under the name of the Catholic University they have formed an institution, to the support of which they

have contributed about £200,000. Maintaining itself under great difficulties, met by the rivalry of institutions offering to those who would resort to them great prizes, upon which public money is lavishly expended, it yet has held its ground, and is every year gaining upon public confidence and respect. Among its Professors are men of the highest order of intellect, some of them whose scientific fame is European, and I must add that in which I know I shall be borne out by every one—no matter what opinions he may hold, religious or political—who has been brought in contact with the collegiate life of that institution, that nowhere do we meet with more liberality of statement, more real tolerance of spirit, than among those who have received or are receiving their education within the walls of that institution. In the Bill which I ask leave to introduce I offer to the teaching body of that institution a charter of incorporation as a second College in the University, with a voice in the government, and with suitable endowments. In the provisions of the Bill I have endeavoured to secure three matters which I believe to be essential to any measure of the kind. First, to give to the Roman Catholic people an educational institution adequate to meet their wants, and framed in accordance with their convictions; secondly, to preserve to the Protestant community the same advantages which the Bill gives to the Roman Catholics; and, lastly, to do this without lowering either the status of the Irish University, or the standard of Irish University education. I propose, Sir, that both the new College and Trinity should be independent and self-governing bodies. To each of them the Bill leaves the exclusive superintendence of the education of its own students, subject to this, that certain subjects of study are defined as forming a necessary part of University education. In respect of degrees, the University would have just the same power that it has now, except that I take away the right of conferring degrees of divinity. I propose instead to allow each College to confer a diploma of Doctor or Bachelor of Divinity, carrying with it no University degree. The degree of Bachelor of Arts to be attained after four years' membership of either College, upon the certificate of the College that he has made much proficiency in the prescribed studies. In addition to this, I propose that this proficiency should be tested by two University examinations—one at the end of the first two years; another, the degree examination, whenever, after the end of the four years, he presents himself for admission to his degree. These examinations to be conducted by a Board of Examiners chosen from each College. I need not say, Sir, that this is just the system of teaching and examination pursued both at Oxford and Cambridge. It is followed at Dublin, as far as it is possible to distinguish between University and College examinations where you have only one College. It will be seen that this plan regards teaching as essentially a collegiate matter—examination as a test of fitness for a degree as the business of the University. It is by keeping these two things perfectly distinct that we shall be able to combine two Colleges in one University. If we do, there is no difficulty in having one common course of study. There is no difficulty in having a common examination. Nay, more, I may, perhaps, be thought very bold if I say that there is no real difficulty in introducing into the common course and common examination subjects which it has been sometimes necessary to exclude from a University intended to embrace men of different religious creeds. I propose in a schedule to this Bill the course of study and of examination. I do not wish to weary the House by mentioning the details. It has been framed with care, and in a great degree from the calendars of Trinity College and of the existing Catholic University. Provision is made for changes in that course by competent authority within that University itself, but in the first instance I have thought it necessary that the course should be prescribed; and, I venture to say, that when the Bill is printed, and the schedule prescribing the course of study is read, no one will say that the standard of University education is lowered, or that the man who will pass an examination in that course has not received an education as liberal and as general as any that is given in any University in the Kingdom. But I repeat that in that course and in all studies I recognize the Colleges as the teaching bodies, and the University as the body examining and conferring degrees upon those who had been tested by their examination, and had, upon

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that examination, been found qualified for their degree. But the Bill contains on the subject of degrees another provision to which I attach very great importance. Both Oxford and Cambridge recently admitted students at the matriculation as members of the University without entering any College. The University of Dublin has long since dispensed with either residence or attendance on lectures as a qualification for a degree, the attention of the students to prescribed studies being tested by frequent attendance at examinations. I propose to continue that system. If any person desired to pass through the University without entering either College he will be allowed to matriculate and proceed to his degree, passing, however, frequent examinations, from which those who are members of either of the Colleges are exempted. There will be thus three classes of students—those who entered in Trinity College, those who have entered in the new College, and those who are University students without belonging to either College. The two first classes will receive their teaching in their respective Colleges, and will be only required to submit to an University examination twice in their course. The third class may receive their teaching when and in what manner they please; but they will be required, by passing periodical examinations, to give satisfactory proof that without any collegiate superintendence they have been taught, or, at all events, have learned. I cannot but think that this provision ought to remove objections that I know will be made to this Bill. It gives, it is true, everyone the opportunity of passing to a degree in a College essentially religious in its character; but the provision I have last mentioned enables anyone to proceed to a degree without submitting himself to any religious teaching whatever. If anyone, from any reason, is unwilling to subject himself to the discipline or rules of either of the new Colleges, he is not, therefore, debarred from a University degree. He may receive his teaching in any seminary he pleases, or he may teach himself. If he learns, and proves by his examination that he has learned, he will be required to do nothing more. I need not point out in how many ways this will have a beneficial effect among others, it will be a species of competition with the Colleges

which will stimulate them to provide the best education that they can. If men can obtain degrees without collegiate residence there will be many who will avail themselves of that privilege, unless the Colleges offer them real and substantial advantages. At all events, the power of choice will leave University education free. I have said, Sir, that I propose to make the new Colleges independent and self-governing. Trinity College is governed by statutes framed by various Sovereigns and by an Act of Parliament which was passed within the last few years. But except when an Act of Parliament intervenes, all the statutes may be altered at the pleasure of the Crown. At present Trinity College is governed by the Provost and Senior Fellows and by a Collegiate Council, in the election of which the Senate of the University have a voice. I propose to substitute for the interference of the Senate that of a congregation of its own graduates. The Collegiate Council would exercise the same powers it does now, and be elected in the same manner, substituting for election by all the Senate, election by those who are its graduates. I propose to confer the powers of passing new statutes on the congregation of graduates, the Collegiate Council, and the Provost and Senior Fellows. No change is to be made in the statutes without the consent of these three bodies, and in some cases with the additional requisite of the consent. But to leave Trinity College free in its power of self-government, I propose to exempt it, as well as the new College, from the operation of the Act prohibiting all religious tests, and to abrogate the College statute, which was, in fact, the necessary consequence of the Act. The effect of this would be to restore the religious character of the College, and to leave it perfectly open to the College authorities themselves to make, with the assent of the Council, any changes with regard to this which they thought fit. And here, Sir, speaking of that College with which I am practically acquainted—I mean, of course, Trinity College—I attach great importance to giving to an assembly representing its graduates a voice, and, to some extent, a share in its government. After all, Trinity College must still continue to bear to the Protestant community the character of the University in many respects. The same

may be said as to the Catholic people and the new College; but speaking as I do of the College with which I am acquainted, not only as a student and a graduate, but as a member of that which is virtually its Senate, I see great advantages in bringing something of a popular element to bear upon its government. I think this would be done, and safely done, by the institution of a separate Senate, or, as it is called in the Bill, Congregation of the College. I should be very sorry to entrust absolute legislative powers to such a body; but, under the control of the Provost and Senior Fellows, who have been until recently the absolute masters of the institution, I am sure the discussion in a Senate of graduates of questions relating to the government of the college will infuse energy and power into the life of the institution. I propose to establish, in substance, the same system of government for the new College. The property, and, to a large extent, the control of the Catholic University is vested in an Episcopal Board, consisting of several of the Roman Catholic Prelates. To the Board we must give a larger power in the government; first, because we expect them to give over to the purposes of the new College a considerable amount of property, and, more than property, the good-will of an institution which they have created and fostered; but more, far more than this—unless we yield them that power—we would fail at the very outset in creating an institution suited to the convictions of the Irish Catholic people. I propose to incorporate the present members of the said Board under the title of the Committee of Founders. It is a title which will, perhaps, excite less prejudice than that of Episcopal Board. It will, at all events, express a claim to control over an institution which has always been recognized, and which in this Bill is not carried nearly so far as it was in many of the Cambridge and Oxford Colleges. Vacancies accruing in the Committee will be filled up by the surviving members, and there is no doubt that the Committee of Founders will practically and truly represent the Roman Catholic hierarchy of Ireland. In the new College, as in Trinity College, I propose to initiate a Congregation of the graduates of the College itself—a Collegiate Council, partly appointed by

the Committee of Founders, partly elected by the Professors, and partly by the Congregation of Graduates. To the Collegiate Council I propose to entrust the election of Professors, subject to the veto of the Committee of Founders. I propose that statutes may be passed for the College in the same manner as for Trinity College, with the assent of these bodies—the Congregation of Graduates, the Collegiate Council, and the Committee of Founders—but I propose to give to the founders that power of making, on their own authority, regulations on matters affecting religious teaching and morality which I am sure the Catholic people of Ireland would desire to see placed in the hands of the Prelates of their Church. I did not say, Sir, that in all that concerned the internal constitution of that which is intended to be a Roman Catholic College I have had difficulties in making any proposal. The questions relating to it are, in my mind, to be determined by Roman Catholics themselves. I have no authority to speak for anyone on the subject. All I could do was to gather opinion from those whom I thought best informed as to the feelings and sentiments of those whose opinions must be consulted. I have carefully studied the past history of the question—the resolutions that have been passed and the correspondence—and all I can say is that I believe and hope that if the House gives me leave to bring in this Bill, it will be found, when submitted in its full form to the judgment of the public, possible to settle this great question upon the principles which I have endeavoured to embody in the Bill. I have explained the proposed constitutions of the new Colleges. As to the University itself, I propose to leave the Senate as it is, re-inforced as it will be by the addition of new Doctors and Masters, who may be created by Her Majesty in the charter incorporating the new College, and from time to time by the new graduates that will be supplied by the new College. The ordinary management of University affairs I propose to leave to an Academical Council, consisting of the Vice Chancellor, the Provost of Trinity College, the Rector of the new College, seven members of the Senate to be nominated by each College, and four to be elected by the Senate upon the principle of cumu-

lative vote. Upon some matters the Bill requires the assent of three-fourths of the members present to a resolution. For the University itself I propose a legislative machinery analogous to that of the Colleges. The Bill provides that new statutes may be passed with the assent of both the Academical Council and the Senate; but I add to this a provision that no such statute should be passed if it is negatived either by the Provost and senior Fellows of Trinity College, or by the Committee of Founders of the new College. It is right that security should be taken that no essential change should be made in the University arrangements without the consent of those who, if this Bill comes into effect, will be parties to the arrangement it makes. I have stated to the House the outline of the plan by which I propose to incorporate a new College into the existing system of the University of Dublin. I come now to the question of endowments. I propose to take for the endowment of the University and the new College a considerable sum for a fund which belongs peculiarly to the Irish people, and which I feel strongly ought to be held sacred for purposes like that to which I propose to apply it—I mean the miserable remnant which mismanagement has left of the magnificent revenues which the piety of ancient times had devoted to provide for the religious needs of the Irish people. I use this language not in reference to the strange transactions in which so large a portion of the remaining revenues of the Irish Church were squandered on the cost of disestablishing it. I speak in a larger sense. I remember reading many years ago a statement made by an eminent Prelate of the Protestant Church, Dr. Elrington, who was Provost of Trinity College, and afterwards Bishop of Ferns, that there had been Church property in Ireland, if properly managed, not only to provide for the sustenance of the clergy of all religious denominations, but after doing this to provide for the University and school education of the entire people. The statement was no exaggeration. Of that noble national property all that remains to the Irish people is a contingent interest, at least an interest not yet realized, estimated at something more than £5,000,000. It is in this fund that we should find endowments for the new institution we are

creating, and for myself I earnestly hope that no portion of that fund may ever be applied to purposes more foreign to those to which the property of which it is the remnant was consecrated. The University itself as distinguished from the College should be provided with the means of carrying on its own business, of providing for its examinations, and prizes at those examinations. It ought also to be provided with the means of instituting Fellowships and Scholarships open to all students; and, after providing for all those necessary expenses, it ought to have a fund at its disposal sufficient to meet those demands for aid to scientific and literary purposes which may always arise. Following in some respects the Bill introduced by the then Government in 1873, this Bill proposes that there should be 15 University Fellowships, held for life, and endowed each from the University revenues with the sum of £200 a-year. They are to be open to all graduates, and be given away after an examination conducted by the Board of Examiners, appointed as I have already described. Of course all these 15 should not be filled up at once, but gradually until the number is completed. Some of the Fellowships might derive a further income if their holders share and accept the office of tutor to the non-collegiate students; and as to all of them, regulations, either as to University duties or otherwise, might be made which would, as a general rule, insure their resignation. In addition to this the Bill proposes that there should be given away by public examinations among those taking their first degrees, two exhibitions of £100 a-year, tenable for five years. There are in Trinity College 70 Foundation Scholarships, obtainable only by undergraduates, and where, after making small money payments and the advantages of chambers and commons, they are worth probably £70 a-year. But they are sought after with an eagerness far beyond their worth. The roll of the scholars contained the names of most of the men who have been illustrious in our past history. Every man is proud of his having his name inscribed in the book in which he sees before him the names of Edmund Burke, of Curran, of Plunket, and among others with which history has made him familiar. A Scholarship in Trinity College gives the privilege of a vote at the election of members for the

University. The privilege continues for life; and at every contested election it is interesting to see the anxiety with which every one who can do it claims his right to vote as an ex-Scholar, and ignores the claim that may be made for him in right of his degree. I propose to open 70 Scholarships to all students of the University. If the successful student is a member of Trinity College, he will receive all the Collegiate advantages which belong to the position, and I propose that Trinity College should pay him an annual stipend equivalent to the value of those advantages. The Royal Commissioners of Education in Ireland have founded in the University 30 Exhibitions for undergraduates, ranging from £50 to £20 a-year. These Exhibitions are at present confined to the pupils of the Royal Schools, out of whose revenues they are endowed. The Bill proposes to open them to all students. There are at present in Trinity College 26 junior Fellows, making with the seven senior Fellows 33 Fellows. The number has been greatly increased within the last 40 years, and I am sure that it far exceeds that which is requisite for the wants of the College. The Bill proposes to transfer 10 of these Fellowships to the University as they fall vacant, Trinity College paying to the elected an annual stipend equivalent to the income and advantage which a Fellow of Trinity College derives from the College revenues. This would not exceed £100 a-year. Whatever was wanting to make up the value of £200 should be paid out of the University funds. The University, therefore, under this plan, would give away Fellowships and prizes open to all its graduates: 25 Fellowships worth £200 a-year, 10 Exhibitions worth £100 a-year each to undergraduates, 70 Scholarships worth £70 a-year each, and 30 Exhibitions ranging from £50 to £20. But the House will remember that all the undergraduates' scholarships are provided out of funds independent of the University, and there is a contribution of one half of the expense of 10 of the Fellowships from Trinity College, so that the charge upon the University Funds would be 15 Fellowships at £200 a-year each—£3,000; half of 10 Fellowships—£1,000; and 10 Exhibitions, £100 each, £1,000—making in all an annual charge of £4,000. But in addition to these prizes, open to those

who are actually students in the University, I make a proposal in this Bill which I am sure will be valued by all who take an interest in intermediate education in Ireland—I propose to place at the disposal of the University authority 50 pensions or Exhibitions of £20 a-year each, tenable for three years, and bestowed under suitable regulations upon young men of merit who may need assistance in preparing themselves for a University examination. This will add a charge of £1,000 a-year to the University revenue, making in all a sum of £5,000 a-year to be spent in the manner I have mentioned. I do not believe anyone will say that I am asking an extravagant endowment for the University, if I ask that the Church Commissioners shall provide out of the surplus at their disposal a sum of £200,000, bearing interest at the rate of 4 per cent until paid. Assuming the money, when paid, to be laid out so as to produce the same income, this would leave to the University an income from endowments of £3,000 for all other purposes. To this, of course, must be added whatever might be received from the students in the form of fees. I propose to leave this fund at the disposal of the Academic Council, guarding its power over it by this, that in any vote for money beyond providing for the ordinary expenditure, the votes of two-thirds must concur. I come now to the Colleges. Trinity College has an endowment: it is of £43,000. A considerable part of this comes from private sources. In the Bill of 1873 the late Ministry proposed that Trinity College should pay to the funds of the University a direct money contribution of £12,000 a-year. I propose a contribution in a different form—a form that will not in the least cripple the resources of the College. The surrender of the 70 Foundation Scholarships to the University, taking the cost of each at £70 annually, is equivalent to a money contribution of £4,900 a-year; but, in other respects, it is a contribution far beyond their money value. In the transfer of the 10 Fellowships there is another contribution of £1,000. Trinity College has at present certain Professorships which may be fairly considered as a portion of her University expenses. The Professors in certain faculties must preside over the granting of degrees in those faculties,

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and to observe which, I think, is a matter of no little importance established. These Professors are—Regius Professor of Laws, with a salary of £500 a-year; the Regius Professor of Physic, of Surgery, and, last, not least, of Music. All these I propose to make University Professors, to be nominated by the Academic Council, but the salaries still to be paid by the College, and I add to these the Professor of Astronomy, the Royal Astronomer of Ireland. The salaries and emoluments of these different Professors, still continuing charges on the College revenues, will amount to more than £200 a-year. In these various ways the College will contribute, if not to the University, yet to University purposes, an income of about £8,000 a-year. In addition to this, there are some annual prizes and medals, which will be open to all students; they are not very large in amount, but many of them carry with them associations that make them prized. I may be forgiven if I mention the Berkeley gold medals for proficiency in Greek, the result of a bequest by the illustrious philosopher to whom I feel proud that I can trace even a remote relationship. These may be small matters, but they associate the University in its remodelled form with traditions. It is a less sentimental benefit that gives to the University an interest in the magnificent collection of ancient Irish manuscripts, which is now the exclusive property of Trinity College. For the endowment of the new College I propose that on the acceptance of the charter and the vesting of the existing property of the Catholic University to the responsible College, that a sum of £30,000 should be handed over at once to the authorities of the College to erect suitable buildings. It will next be, of course, for the authorities of the College to determine the most convenient site, either on their present situation, or on any other, the distance from the centre of the city of Dublin, which I propose to fix at three miles by my scheme. I much prefer that they should be placed in the immediate vicinity of Trinity College; but this is a matter entirely for the College itself. There are many reasons which make it desirable that substantial proof should be given of the continual interest of the Catholic people in the establishment of the new College,

and I therefore think that as soon as a further sum of £20,000 is subscribed, making in all a contribution of £220,000, then, and not till then, double that amount or a sum of £440,000, should be paid out of the Church surplus, bearing interest at 4 per cent until paid. I ought to have stated that in investigating the property of the present institution, the newly-incorporated College, I purpose to exempt a very beautiful church now used as the chapel of the actual property that will continue vested in its present owners. I omitted also to say that a sum of money which I fix at £20,000 will be required to provide new buildings, this would make the entire charge upon the Church surplus to amount to £700,000. I need not say that I omit many details; I only wish to add that the Bill empowers Her Majesty to incorporate any other College in the University of Dublin, provided that it should appear expedient to Her Majesty to do so if its founder fix its site within the distance of three miles from the centre of the city. The mere charter of incorporation will give to such a College all the privileges of other Colleges as to its students proceeding to degrees, but no change is to be made in the University except by a statute in the manner I have mentioned by the University itself. I have now laid before the House at much greater length than I could have wished the general outlines of the plan which is embodied in the Bill I ask leave to bring in. Of course, I have not ventured to detain you by dwelling on minute details. I trust I have said enough to explain its general features. The proposal is expressed briefly:—To institute a second College in the existing University of Dublin; to make that College one in which the Roman Catholic people of Ireland can receive an education in accordance with their own convictions; to leave Trinity College, retaining its Protestant and religious character, to fulfil to the Protestant people the very functions which it has so long and so usefully discharged; and, at the same time, to permit the national University to extend the benefit of its prizes and its degrees to men who desire to pass through it without submitting to the teaching of either of these Colleges. The plan I propose attains, at all events, these objects:—It gives perfect liberty of religious teaching to both Catholics

and Protestants, while it forces that teaching upon none; it does not lower the standard or the status of the University education and it leaves, both to the Colleges and to the University, perfect independence of that State interference which in every country has marred and degraded every system of University education to which it has been employed. Will the House permit me, before I sit down, to refer to some testimonies to show how, by the Irish people, the principle of such a measure is likely to be received? My evidence is taken from a pastoral signed by all the Roman Catholic Prelates of Ireland on the 20th October, 1871. In the pastoral, after asserting the necessity of basing education on religion, and pointing out the conditions requisite in any plan that will meet the convictions of the Roman Catholic people of Ireland, they go on to say—

“All this can, we believe, be attained by modifying the constitution of the Dublin University so as to admit of the establishment of a second College within it in every respect equal to Trinity College, and conducted on purely Catholic principles, in which your Bishops shall have full control in all things regarding faith and morals, securing thereby the spiritual interests of your children, placing at the same time Catholics on a perfect equality with Protestants, as to degrees, emoluments, or other advantages.”

To show that this assent to a common University is given in no niggardly or illiberal spirit, I will ask you to read an extract from a tract written by Dr. Woodlock, the clergyman who presides as rector over the Catholic University. And let me say that indications are every day showing themselves on the part of the Protestant people of Ireland of a desire to meet such sentiments in a spirit of corresponding liberality. I believe that many, very many, of most distinguished members of the Protestant Church would now gladly preserve religious education for their own people even on the terms of conceding similar privileges to their Roman Catholic countrymen. Many of the best and most distinguished members of the Dublin University are advocates of the plan which I propose. When I mention that Dr. Houghton and Dr. M'Ivor as two who have committed themselves in published essays to its support, I mention names that command the respect of all, and names that are only representative

of the moral and intellectual power that desire to see this great question settled, and settled at once and for ever upon the principles of the plan I propose. In the hope that you will give me leave to bring in this Bill, I fearlessly submit the plan to the criticisms of this House, of my countrymen of all creeds and classes, and of the British public. I know and feel that in proposing a system of University education essentially interwoven with religion I am running counter to the prejudices of many of those near me for whose advocacy of equal rights for Ireland I cheerfully and gladly acknowledge our obligations, but surely I may say to them that if their own principles affect this vital question of the education of their children, you must yield to the feelings, the more than feelings, the deep-seated, the conscious convictions of the Irish people themselves. You have felt constrained to give us our own way upon the question of closing public-houses on Sundays. Have we not a better claim to have our own way as to the character of the institutions that regulate the higher culture of our sons? There are in this House those who sympathize with us in the conviction of the necessity of basing education on religion, but in whose minds I must encounter the strong prejudice that is entertained against anything that seems like making a provision for the teaching of the tenets of the faith which is held by the great majority of the Irish people. I have left myself no time to argue the question. This is not, perhaps, the occasion on which I should do so; but yet may I venture to remind you that your choice in Ireland lies between abandoning altogether religious education and providing in the educational institutions for the religion of the people. The days are gone by when you can maintain the Protestant institutions unless you are willing to let Roman Catholic ones grow up by their side. Why, I ask of all Parties in this House, will you not apply to Ireland the principles which have been established in so many of your colonies? I ask of you to mould your institutions to the feelings and the conscience of the people, instead of entering on the vain and odious effort to break or bend the conscience and will of the people to institutions which you force upon a reluctant and a struggling nation. In this matter of education,

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alone of all others, you can only succeed with the assent and co-operation of the people; and in the belief that the plan I propose will attain that assent and co-operation, I ask your permission to submit that plan to your judgment by asking leave to bring in a Bill to make better provision for University Education in Ireland.

THE O'CONOR DON, in rising to second the Motion, said, he would not enter into details. Of course it was proper, if the introducer of a Bill wished to state the details of a measure when introducing it, but it was not the practice for others to do so, and his hon. and learned Friend had so lucidly explained the provisions of the Bill that it would be presumption on his (the O'Connor Don's) part to attempt to add anything to what his hon. and learned Friend had said; but in rising to second the Motion and to give his reasons for so doing, and for putting his name on the Bill, he wished to say that he did so on the principle so lucidly laid down by his hon. and learned Friend, that it was desirable, in endeavouring to establish equality in University education in Ireland, that it should be established by incorporating the Catholic College with the national University, rather than by setting up a second University in antagonism, as it were, to the one which had so long existed, and which had so fully gained the confidence of that portion of the Irish people, who heretofore had been admitted to all its honours and prizes, and to which even the Catholic population had always looked with a certain amount of pride. It was because that was the principle of the Bill, that he had placed his name on the back of it, and now seconded the Motion that leave be given to bring it in.

SIR MICHAEL HICKS-BEACH said, he felt sure that all who had been present during the speech just delivered by the hon. and learned Member, whatever their views on this great question, must have listened to that speech with very great interest. He only regretted that that interest did not appear to be shared in, judging from the state of the benches opposite, by those who in previous years had taken an active part in considering the question. He did not now rise for the purpose of expressing any opinion on the speech of the hon. and learned Member, or with the view

of entering into any general discussion of the question before the House. He had no objection to offer to the Motion for leave to bring in the Bill. It was not only a matter of ordinary courtesy that he should be allowed to bring it in; but he (Sir Michael Hicks-Beach) thought it was clearly for the public advantage that the hon. and learned Gentleman should be able completely to put before the people his views and proposals. Whether they would be more successful than other proposals which had gone before them he would not now attempt to say; but in assenting to the Motion, of course he must not be taken as expressing, on the part of the Government, acquiescence in the arguments of the hon. and learned Member, in the principle on which his Bill was based, or in the proposals which it contained.

MR. NEWDEGATE reminded the House that in proposing this secular University—and it would be secular, because the Divinity degrees were to be abolished—the hon. and learned Gentleman had proposed to exclude from it those secular Colleges whose secularity, he said, was an opprobrium in the eyes of a large portion of the Irish people—the Queen's Colleges. The hon. and learned Gentleman recognized the visitatorial powers of the Roman Catholic Episcopate over the Catholic College, and proposed to admit this power through the College into the government of the University, although he intended that to be secular, but expressly declared that his object was to exclude the jurisdiction and authority of the Government. His proposal, therefore, involved the importation of Episcopal and the exclusion of Governmental authority. As to the plea of poverty which was urged in defence of this proposal, he thought it came with an ill grace from the representatives of a denomination which had spent such enormous sums upon its religious establishments. If Irish Roman Catholics were really anxious for higher education, why did they not devote some portion of those large funds so liberally contributed for the establishment of various institutions connected with their religion to the purposes of a University? The hon. and learned Gentleman had paid high compliments to Trinity College; but he proposed at the same time to exact severe contributions from it, in position, emolu-

ment, and the right of conferring academic honours.

CAPTAIN NOLAN said, he merely wished to answer one remark of the hon. Gentleman the Member for North Warwickshire, and he wished he were there to hear him; but after such a long debate they could not expect the hon. Gentleman to go without his dinner. He (Captain Nolan) wanted to answer the hon. Gentleman's remark about the rich endowments of the Catholic Church in Ireland. The hon. Gentleman said that the Catholic Church in that country, out of its rich endowments, could easily find funds for the endowment of a University. He (Captain Nolan) would take his knowledge of his own county for example, and he was sure the same might be said of any county in Ireland; and he should be glad to know where they were to find, he would not say wealth, but any amount of competence in connection with the religious orders in Ireland. It was true in five or six towns they had spent a good deal of money on schools; but the sums laid out would have been considered small in the rich towns of England to lay out for education, and he would ask the hon. Member for North Warwickshire whether he would propose to take away these sums, paltry in comparison to those so spent in the rich towns of England on primary education, from the poorer classes to devote the money to the establishment of a Catholic University? Even if all such contributions were put together, he (Captain Nolan) did not suppose they would pay more than half the amount necessary to support either a Catholic College or a Catholic University. No matter how good the University might be, he believed it would be the very worst possible course to take away those schools. The hon. Member for North Warwickshire seemed to argue that they were demanding something unreasonable in asking for some share of the money which now remained from the fund of the late Established Church. That was a proposal which, he (Captain Nolan) thought, would be made at all times, and perhaps under very different circumstances by the Irish party—namely, that they should receive an equal share of the surplus funds of the late Established Church. He, for one, maintained—he had stated it before in that House, and each year that passed there would

be more Members here from Ireland to maintain it—that the late Established Church was not thoroughly disendowed, and that, further, the sum now in the possession of the Irish Church over and above the value of the life interests at the date of Disestablishment was a relic of the late endowment, and they could only consent to its allotment being considered as a private and indefeasible property when an equal and equivalent sum had been allotted in some way for the religious training of the Catholics in Ireland. Whenever that sum was allotted we would acknowledge any property they had as theirs rightfully as well as legally; but so long as a relic of the endowment remained which was not balanced by a corresponding endowment for the religious education of the Catholics in Ireland, the Catholics would never rest on this question of endowment. There were now nearly 4,000,000 of Catholics in Ireland, and nothing whatever was done by the State for their higher education, or to give them an education which they could conscientiously receive, and which was in accordance with the genius of the nation. It was true the Queen's Colleges were thrown open; but Catholics to avail themselves of their teaching must, to a certain extent, endanger their religious convictions. He did not think the State had any right to take up secularism in a way so as to force children to pass through secular schools to which their parents objected; and he, for one, should be equally sorry to see the children of those who preferred secular training forced through religious schools. As to the scheme of his hon. and learned Friend, he did not say it was perfect; but it was a scheme that would satisfy the Irish people. He would propose some Amendments in Committee; but so far as the second reading was concerned he should support the Bill, and he believed it would be very heartily received by the people of Ireland as a solution of the difficulty. There was only one other point—that was, he hoped the Government would give them a day for the second reading. They had had no real discussion that night. It was true they had had a most ample statement from his hon. and learned Friend; but there had been no reply from the Government, and he very much feared, unless the Government did something for them, they might

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have no real debate that year. That was a question of which not merely all thinking Catholics of Ireland, but many of the Liberal Protestants, were anxious there should be some solution. Therefore, he sincerely hoped the Government would not put them off by saying they had no time at their disposal; nothing was easier for them than to make time if they chose. With them the responsibility would rest if the second reading was not moved, and if they had not a proper opportunity for discussing the Bill.

Motion agreed to.

Bill to make better provision for University Education in Ireland, *ordered* to be brought in by Mr. BUTT, The O'CONOR DON, Mr. MITCHELL HENRY, Mr. MACCARTHY, and Mr. SULLIVAN.

Bill *presented*, and read the first time. [Bill 150.]

UNIVERSITY OF CAMBRIDGE BILL.

LEAVE. FIRST READING.

MR. SPENCER WALPOLE, in moving for leave to bring in a Bill to make further provision respecting the University of Cambridge and the Colleges therein, said, that as a Bill had been introduced to reform the University of Oxford, he desired to ask the House what were the objects that ought to be aimed at in proposing fresh legislation for the Universities; what were the circumstances which rendered that legislation necessary; and what was the machinery by means of which the object of the legislation might be attained. The answers to those questions would be found in the Reports of two most valuable Royal Commissions that had been appointed to report on the subject of the Universities. One of these was appointed to inquire into all institutions within the United Kingdom which were connected with the study, the pursuit, and the advancement of science. The other was appointed for the purpose of inquiring into the revenues and property of the two Universities of Oxford and Cambridge. At the head of the first of these Commissions was the Duke of Devonshire, the present Chancellor of the University of Cambridge. The Commissioners had made no less than eight Reports, and the third of these was addressed to the Universities of Oxford and Cambridge. They described in the minutest detail the facilities for

the study of science afforded by means of the Professoriate, and by means of the inter-Collegiate system of lectures and classes, under which Colleges were combined for educational purposes; and they pointed out, notwithstanding all that had been done, there were yet many requirements to be met in the course of instruction in science. Without entering into details, he might say that the Commissioners recommended an extension of the Professoriate, a completer organization of the inter-Collegiate system of lectures and classes and a larger provision of museums, libraries, and other buildings and of the apparatus necessary for the prosecution of scientific investigation. Perhaps these recommendations went rather far, but there was no doubt that considerable improvements would have to be made before the idea embodied in the Report of the Commissioners could be carried into effect. Science would include organic and inorganic subjects, the science of magnitude and numbers, including observations and experiments, but excluding mental and modern science. They would have to look to these departments of study before they could have the studies completed. A Cambridge Syndicate which was appointed last year had made a Report, and it was drawn up by those who had made the theory as well as the practice of teaching the business of their lives. It was a most instructive, elaborate, and well-prepared document. It was founded upon the different branches of study, and the conclusion which was arrived at, and pressed upon the University, was that in all departments of science there were many other requirements that would have to be supplied besides those which he had referred to. It was quite demonstrable to his mind that the Universities only wanted the means to fulfil the great duties that were entrusted to them in this respect. He need not say, with regard to Cambridge University, how lively an interest she took, and had always taken, in this subject; and he need not point out the things she was doing, and had done, to make University teaching as complete and comprehensive as she was able to make it. It was not the want of will but the want of means that stood in her way, and so long as the want of means existed so long would it be impossible to do all

that was requisite to do—that which the University desired to do. This led him to consider what were the circumstances that rendered legislation necessary. It was, in plain words, a money question that loomed in the background, and the extreme difficulty of adjusting the proportion that the Colleges should bear in contributing money for the common benefit of the University at large. This brought him, not only to the Report of the second Commission, but also to make a remark as to what the Science Commissioners had said. They had said that the revenues of the University as compared with those of the Colleges were comparatively small, and that they had reason to believe that the Colleges would be willing and anxious to contribute towards supplying the deficiency that was not at the command of the University. They would desire that the appointment should be adjusted equitably between the Colleges, and in a way that would be reasonable for the University. The Report of the second Commission which inquired into the revenues and property of the University and Colleges contained two broad facts. The first one was this—that the immediate property of the University, as distinguished from that of the Colleges at Cambridge, was only about £14,000 a-year, whilst the property of the Colleges derived from the same sources amounted to not less than £265,000 a-year. The second fact was this—that a prospective surplus of property was to be expected in the University from doing away with the system of renewable leases. The estimate was that the property that would accrue to the University might be put down as *nil*, whilst the property of the Colleges in 1885 would be £30,000 a-year. The University, as distinguished from the Colleges, had not the necessary means, and the Colleges had a right to say that these means could only be apportioned by an equitable adjustment under the direction of somebody who could fairly adjust the proportion which should be contributed by the various Colleges. When the Cambridge Act was passed in 1856 there was an express provision in that Act which enabled the Colleges to surrender such portion of their property or income as might be available for the purposes of the University at large. The difficulty in adjusting the proportion

that the Colleges should bear had been so great that virtually that provision had been a dead letter. Putting all these things together he believed that he had established his two propositions—that the object to be aimed at by legislation should be first to enlarge the sphere of the University itself; and secondly, that the difficulties that lay in the way of enabling the University to effect its object could only be got over by some further legislation based on equitable principles, which would, he believed, meet all the requirements of the University and Colleges, and greatly extend their usefulness. What, then, was the machinery by which those objects were to be accomplished? On that part of the case he could feel no doubt whatever. They must go back to the principle adopted in 1856—namely, an enabling and requiring power vested in Commissioners, who, in conjunction with the Universities and the Colleges, should arrange among themselves what changes would be advisable so that those great academical institutions—those great intellectual centres of science and learning—should be able to meet the wants of the times. The Bill which had come down from the House of Lords with reference to the University of Oxford was based on that principle, and the Bill he had now the honour to propose, in concurrence with and at the request of Her Majesty's Government, was drawn on the same lines, and contemplated the same objects. If it should be adopted, the effect would be this—Parliament would clearly indicate the general direction which would have to be given for making good and supplying the wants and requirements of the University of Cambridge to which he had adverted, while the particular mode in which those requirements would be met should be determined and settled by the Colleges and the University themselves. He laid it down as a universal truth in matters of this description, that whatever was done voluntarily and willingly would be always better done than that which was done under extraneous influences. He knew that there were some who wished to go further than this; some who would like to prescribe in the statute itself the changes that Parliament should specifically require, and which they should enable the Commissioners to enforce. He could not agree with this in the

least degree; on the contrary, he thought that it would only add to delay and disappointment, and be a legislative mistake. The question of Fellowships had been very much agitated for the last few months. Some would regulate them now, and prescribe the conditions on which they should be conferred and held, and state distinctly the term that they should continue in the possession of the holders. He believed that these were matters which should be regulated with a due regard to fresh circumstances as could only be known to those who were interested in this question, and that those alone who had this knowledge would be likely to come to a just conclusion. There were those who thought they could specify the precise rewards for Professors; but he thought that if they wished to encourage the same high standard of culture which had been maintained at the Universities of late years, if they wished to secure the highest amount of teaching, lecturing, and tutorial power in the University itself, if they wished to encourage original research and scientific investigation, they could not do better than leave to the University to settle for themselves how these things could best be managed. His belief was that if they had not three classes of Fellowships they would fail to make the most of the opportunities they now had of improving the University. If they did away with prize Fellowships altogether they would not have the same standard which the students at the University now aimed at. They would not have the same means of encouraging, rewarding, and setting out in their career in life some of the ablest and most distinguished men, who not only reflected honour on the University, but conferred great benefit on the country at large. So, if they did not have another class of Fellowships which would properly reward lecturers, tutors, and readers for the time and labour they bestowed on the education of the students at the University, they would lose that resident class of men who, he hoped, would always be resident at the University, and by whom education was more promoted than it could be in any other way. Lastly, if they had not a third class of Fellowships which would give encouragement to those who were willing to remain at

the University and pursue scientific investigation, a blank would be left in the University which it would be impossible hereafter to fill up. He had ventured to speak strongly on that part of the subject, because he thought that no compromise was possible upon it. The two Bills for Cambridge and Oxford were drawn on the same lines, and, although the former might deviate in some of its details from the latter, the two Bills in point of principle were substantially the same. Still, it was desirable that the Parliamentary charters of the two great institutions should be kept, as heretofore, distinct. However much they resembled each other in all the main principles of University life, there were distinctions between them that would have to be adverted to and observed in any legislation which Parliament might bring to bear upon them, particularly with reference to the appointment of the Commissioners, so that they might be perfectly familiar with the peculiarities and wants of that University for which they were appointed. With reference to the Noblemen and Gentlemen to be selected as Commissioners, it was usual to give their names just before going into Committee on the Bill; but, to avoid mistake on a matter of so much importance and interest to the University and the country, he would now take the liberty of reading their names. The Commissioners who would be nominated for Cambridge University would be the Bishop of Worcester, Lord Rayleigh, the Lord Chief Justice of England (Sir Alexander Cockburn), the Right Hon. Edward Pleydell Bouverie Professor Stokes, the Rev. Dr. Lightfoot, and George W. B. Hemming, Q.C. The right hon. Gentleman concluded by moving for leave to bring in the Bill.

LORD EDMOND FITZMAURICE said, that on the whole, he approved of the Bill; but he suggested that, though it was brought in by a private Member, it could not but be regarded, after the language of Her Majesty's Speech, as a Government measure. He hoped, therefore, that in future stages it would be put next on the Paper to the Oxford Bill sent down from the Upper House, so that the two Bills might be discussed together. The Gentlemen whose names had been mentioned by the right hon. Gentleman would, he was sure, command the confidence of the House, of

the country, and of the University of Cambridge.

SIR CHARLES W. DILKE said, he could not agree with the suggestion of the noble Lord. On the contrary, he thought the two Bills should be discussed separately—each upon its own merits. He regretted to hear that the Bill would not deal with the reform of the Senate of Cambridge any more than the other Bill dealt with the reform of the Congregation of Oxford. He regretted, also, that the Bill did not touch clerical Fellowships. If it had dealt with those two points there would have been a settlement of the question, which now would be sure to be re-opened in two or three years. He begged to give Notice that in the event of the right hon. Gentleman obtaining leave to introduce his measure he should on a subsequent occasion move a Resolution to the effect that, in the opinion of that House, no measure of reform affecting Cambridge University would be satisfactory which did not propose the abolition of clerical Headships and clerical Fellowships.

MR. BERESFORD HOPE said, that although the proceeding might be justified by the Rules of the House and the practice of Parliament still it was unfortunate that the general principle of the Bill should, on the first reading, be thrown on the floor of the House by the hon. Baronet the Member for Chelsea (Sir Charles Dilke). He was glad to hear from the speech of his right hon. Colleague that this Bill confined itself to that which the nation was looking for—namely, the development of the University in its teaching, its educational, and its scientific aspect. There was another aspect of the University, also of great importance, which he would call its social one, as an institution ramifying throughout the land and pervading the whole community with a wholesome and elevating influence. The University in this aspect was composed not merely of the teaching residents, but of its whole body of graduates wherever found, or, in other words, of its Senate. This Senate which the hon. Baronet was so anxious to reform was the connecting link between the University in its strictly scientific aspect and the more social and harmonizing elements which made it so great an institution in our complex social and political system. This Bill

seemed to be drawn up on practical and reasonable lines. It dealt with the University as a place of education, and as connected with the intellectual system of the country, and expressed by the present system of Scholarships and Fellowships. As to Fellowships, he had heard with peculiar pleasure his right hon. Colleague so clearly defining the distinction which ought to exist between the different uses of Fellowships—a distinction which, so to speak, worked itself out in practice, as the classes into which Fellows parted themselves off came into prominence subsequently to the common examinations from which the choice was made. Educational Fellowships were necessary, with well-defined rules of residence, and there was good reason for re-considering the tenure and emoluments of the non-resident or Prize Fellowships in the future; but any idea of extinguishing or seriously diminishing them would be fatal. For if all Fellowships were made merely educational, then one of the best elements of the University would be lost. Fellowships were now respected from the high proficiency which the acquisition of one implied. But if the temptation of competing for them was to be taken away from all who were not aspirants after the one profession of resident teachers, it was plain that the general standard of competition would be most injuriously affected, while the results would of course re-act upon the quality of the teaching itself. The whole system in its complexity must be jealously maintained, or the teaching, and in consequence the learning, of the University would be lowered. He thought his right hon. Friend had exercised a wise discretion in thus early publishing the names of the Commission, and he believed he might say on behalf of his constituents that they would be contented when they saw that the University would be in the hands of Commissioners who had in their previous careers given such pledges of capacity as made them deserving of the confidence now about to be reposed in them.

MR. SPENCER WALPOLE observed, that though the Bill was in his charge, it was virtually a Government measure. It would appear in the Orders next to the Oxford Bill, and though the Bills would be practically considered together, it would be open to the hon.

Baronet the Member for Chelsea (Sir Charles Dilke) to move the Amendment of which he had given Notice.

Mr. ASSHETON CROSS, in reference to what had fallen from his right hon. Friend, desired to say that the subject was one which ought to be dealt with by Her Majesty's Government, and practically the measure might be considered as one brought in by the Government on their responsibility. The Bill had been placed in the hands of a private Member who was practically acquainted with all details relating to the University; and therefore, considering the connection of his right hon. Friend with the University of Cambridge, the intimate knowledge he must possess from his connection with the University, and of everything regarding its welfare and usefulness for the country, as well as his high character and standing in the House, the House would agree with him (Mr. Cross) that it was a matter that should be brought in by one so competent to explain every detail connected with the subject as his right hon. Friend. It was the intention of the Government that this and the Oxford University Bill should be considered together, except when they had to consider the details.

Motion agreed to.

Bill to make further provision respecting the University of Cambridge and the Colleges therein, ordered to be brought in by Mr. SPENCER WALPOLE, Mr. Secretary CROSS, and Lord JOHN MANNERS.

Bill presented, and read the first time. [Bill 151.]

POOR LAW RATING (IRELAND.) RESOLUTION.

Mr. O'SHAUGHNESSY, in rising to move that the system of Poor Law Rating in Ireland should be assimilated to that of England by the adoption of Union Rating, said, that in the Bill which introduced the system of electoral divisions that area was fixed for the purpose of electing Guardians. It was intended that the electoral division should be applied only to these administrative purposes; that it should have no bearing on the incidence of taxation, and that the poor rate should be raised from the Union. The Bill passed this House in its original shape. It was altered in the Lords, and the substitu-

tion of the division for the Union as an area of taxation was agreed to by the House as a temporary arrangement, to be abandoned in favour of the old plan at an early opportunity. What he now sought was to have the alteration of the area of taxation from the division to the Union carried out. The present system inflicted considerable hardship, particularly upon large towns and cities. The effect of the present law was that the rural poor were driven into the streets of the towns, which had once been the seats of industry. Thus the burden of maintaining the poor was thrown upon the towns, which could ill afford to bear it. One result of the present law was that at certain seasons the farmers were compelled to resort to the towns for labourers either to till their fields or to reap the crops, and as soon as this work was done the men returned to the towns, whose rates were expended in their maintenance. In the North of Ireland there were some few towns in which the industries carried on afforded employment to the labouring poor when they were not engaged in agriculture, but the number of such towns was small, and, as he had said, they were confined to one part of the country only. The Resolution which he had proposed sought something more than the application of Union rating as between town and country. It would involve an application of the principle as between different rural divisions. A particular district might be taken and an imaginary line might be drawn in it, and on one side it would be found that the rate was 1s. in the pound and on the other side 6d.; on the cheap side would be found few labourers and little poverty, while on the other would be found a good many labourers and a great deal of poverty. In the city of Limerick the rate was 3s. in the pound, while in a district, a short distance outside, the proportionate charge was only 1s. 8d. Whatever could be said in favour of union rating in England could be said with reference to Ireland. It was alleged that the adoption of union rating would throw the rate over such a large surface that the motive in favour of economy would be lost, and that it would be impossible for the Guardians to supervise a large district such as an Irish Union. But it was necessary to take into account not only the extent of the

Union, but the value of the property to be taxed. This question was one which had been frequently introduced to the attention of the House, to whose attention it had been submitted by Mr. Barry and by Mr. M'Mahon. The question had been considered by a Select Committee, and all the leading officials, English and Irish, gave their opinions in favour of the change. Whatever course the Secretary for Ireland might take, he (Mr. O'Shaughnessy) hoped he would put before the House some definite scheme; and if that scheme was a wise one, and could be quickly passed, the Session could not be considered barren with reference to Irish interests. The hon. Gentleman concluded by moving his Resolution.

Motion made, and Question proposed,

"That the system of Poor Law Rating in Ireland should be assimilated to that of England by the adoption of Union Rating."—*(Mr. O'Shaughnessy.)*

MR. KNIGHT said, they had had considerable experience of Union rating in England, and they discovered that the argument which the country party brought forward against the adoption of that system—namely, that it would throw the rates on so large an area that all motives to economy would be lost—was well founded. Since Union rating had been adopted they had had a period of prosperity so great that pauperism ought to be almost extinct. The wages of labouring men had been raised from 10s. to 15s. and in many cases much higher. The exports and imports of England had increased 70 per cent; employment had increased, and the position of the poor had been greatly ameliorated. But what had been the result of adopting Union rating? In the 10 years before its adoption the annual expenditure for the relief of the poor was just within a fraction of £6,000,000, but since its adoption the annual expenditure had risen to £7,600,000. The increase occurred in this way—Suppose a small English town was in great distress, the burden of supporting its poor was thrown on the Union. But before Union rating was adopted, employers in that town, when the rates rose high, would employ their workpeople for two days in the week to keep them off the rates. The principle of Union charge-

ability had been previously tried three times in the history of our Poor Law system, and it had always failed. Now that it was being tried for the fourth time, it would break down again as soon as any real stress was put upon it. They had lately had such a period of prosperity and high wages as to render a Poor Law almost unnecessary; but that state of things could not be expected to last. It would most probably be followed by hard times; and then, under the system of Union chargeability, their expenditure on poor relief would not only increase by £1,600,000, as it had already done, but by thrice that amount. The system had now failed in England again; but in the present instance they did not see the demoralization that would have been witnessed if it had not been for the extraordinary increase of wages and of employment and cheap bread, though, in spite of that, the rates had increased more than 25 per cent. In desperation, the Guardians were now trying to do what had signally failed before—namely, to cut down all out-door relief. The Chartist riots that occurred in 1837 were the result of the attempt to stop out-door relief. The present Prime Minister's beautiful political work called *Sybil* showed what England was reduced to by four years of a determined effort to stop out-door relief. They should in 1865 have maintained parochial chargeability for ordinary times, and when any particular parish fell into great distress they might have resorted to Union rating for a rate in aid. Under the present system the whole duty which the Guardians used to perform with the greatest care was now thrown on the relieving officer, and nobody paid any attention to the expenditure. He recommended that a Union rate should be granted only when a parish was in great distress and the rates were abnormally high.

MR. KAVANAGH opposed the Motion, which, if adopted, would only introduce a theoretical and not a practical assimilation between the areas of rating in Ireland and England. He asserted, moreover, that the system of Union rating had not worked well in England, and the hon. Gentleman who had spoken last had borne out that statement. It had a tendency to encourage a very extravagant administration of

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out-door relief in England. He objected to destroying in Ireland the interest which the Guardian now had in watching over the expenditure in his electoral division and promoting economy. No doubt there were some towns in Ireland where the existing system operated unfairly; but out of the 3,438 electoral divisions there were only eight cases of distinct hardship. It would be unjust and inexpedient to raise the rating of 2,980 divisions in order to relieve eight of an undue burden. To those places he was willing to afford assistance, and he, with his friends, had devised a plan which he hoped would give satisfaction. Its main principle was a rate in aid for affording relief to those electoral divisions whose taxation for in-door maintenance and clothing of paupers was disproportionately excessive as compared with the rest of the union. They proposed to exclude expenses incurred for out-door relief. He hoped that at the proper time they would have the assistance of the Chief Secretary in putting this scheme before the House. He must oppose the general application of Union rating to the Irish electoral districts.

MR. M'CARTHY DOWNING said, if such terms were to be offered by the Government he should reject them, for they would only give relief to eight towns in Ireland; and such a proposal would be a mockery. He contended that the Union rating system was successful in England, and ought to be applied to Ireland. The hon. Member for Worcestershire (Mr. Knight) had stated that the increased poor rates in England were due to the action of the Union Chargeability Bill, but he could scarcely accept this view of the question. The increase had been caused by the enhanced price of food and clothing, the system of out-door relief, and the additions which had been made to the salaries of the officials whose duty it was to administer the Poor Law. The fact was that the expenditure in England had fallen off considerably during the last 18 months. It was true that in many cases Boards of Guardians in Ireland had petitioned against the adoption of Union chargeability; but these were urban Boards which would be closely affected by the adoption of the principle, and he was not aware that any other public body in the country had taken a

similar course. He inferred that two years ago the Chief Secretary for Ireland was in favour of Union rating for in-door relief at least, and he challenged the right hon. Baronet to defend the anomalies of the present system, under which exceptional burdens were unfairly thrown upon some electoral divisions. If they were to have equal laws, why should they not give Ireland the same law of rating as existed in England?

MR. MORRIS, in supporting the Motion, said, he could not refrain from expressing his opinion that ever since the Famine in Ireland, the boroughs and towns, and even the small towns, had had very much to complain of from the inundation of those towns by paupers from the rural districts. He remembered the time when a neighbouring country gentleman had landed five boatloads of evicted tenants—making, with their families, a total of between 200 and 300 persons—in the town which he represented (Galway), and the greater number, after vainly struggling to live by their industry, were obliged to resort to the workhouse. Similar instances might, he believed, be found in other parts of Ireland. He denied that Sir Thomas Larcom could be regarded as an authority on the Poor Law system of Ireland. The testimony of Sir Alfred Power was of much greater value, and he declared that the Irish Poor Law did not work fairly towards the towns. The Chief Secretary for Ireland could not make a greater mistake than by adopting the plan of the hon. Member for Carlow (Mr. Kavanagh), while the scheme shadowed forth by the hon. Member for Cork (Mr. Downing) would be a fair and equitable compromise. He believed that for the welfare of the country districts, as well as of the towns, a wise compromise on this question would be come to if out-door relief were made an electoral division charge, and indoor relief a Union charge.

SIR MICHAEL HICKS-BEACH said, when he addressed the House on this question two years ago he commenced his remarks by observing that hon. Members who had not studied the subject would naturally suppose that Union rating in England and Ireland were the same thing. The question in the two countries was totally different. Unions in England averaged 55,000 acres; in Ireland, 125,000. In Ireland electoral

divisions, on which about 40 per cent of the poor rate was now levied, were made for the special purpose not only of the election of Guardians, but of being the ordinary area of rating. The English parishes, on the contrary, handed down from ages long gone by, were areas with every kind of anomaly and variety, and were very much smaller in average extent than the electoral divisions in Ireland, which were, on an average, something like 6,000 acres. Moreover, the complaints against the old parochial rating system of England were not made in Ireland to the same extent against the electoral division rating. The great reason which induced Parliament to adopt Union rating in England was the feeling excited by the removal of the poor from what were called close parishes. The old English Poor Law specially favoured the practice of removal, because under the system of averages, by which the cost of maintaining the irremovable poor was placed on the Common Fund, to which each parish contributed on the average of its poor law expenditure for three years, it was clear that if the landowners could remove the poor altogether from a parish, that parish ceased to become chargeable with any poor rate at all. No such practice existed in Ireland, and no proof whatever had been shown that the removal of paupers for the sake of relieving the electoral divisions ever prevailed there to any great extent. The hon. Member for Limerick, who had introduced the subject with so much ability, wished to equalize, as far as possible, the charge for the poor in Ireland. But if they were to have Union rating in that country to-morrow, it would not equalize that charge, and the differences of rating would be far greater in various parts of Ireland than in England. He could quote instances of Unions in the four Provinces which would prove it. For instance, under the system of Union rating, one Union in Ulster would have to pay 2s. 2½d., another in the same Province only 6d. In Munster, while one Union would pay 2s. 11½d., another would pay 9d. In Connaught, one Union would pay 2s. 9d., another 7½d.; and in Leinster, one Union would pay 2s. 3d., another 7d. He mentioned that to show that the object of the hon. Member could not be attained by Union rating, but only by a national rate,

which would be the overthrow of the present system of Poor Law, and would never receive the sanction of the House. The Motion of the hon. Member for Limerick was for the adoption of Union rating in Ireland precisely in the same way as in England. But by all who had considered the question, it would be admitted that a small area was almost essential for the proper administration of out-door relief. The adoption of the area of English Unions for out-door relief was, in his opinion, a mistake, and it would be a still greater mistake to adopt the larger area of Irish Unions for the same purpose. In Ireland out-door relief had increased of late years to an extent that bade fair to take away one of the great advantages that had hitherto been attributed to the Irish Poor Law system. On the whole, he thought the House would be agreed that the charge for out-door relief should not be levied upon the basis of a Union charge, and the question to be decided, therefore, was, whether the charge now placed on electoral divisions in order to defray the expense of maintaining and clothing paupers in the workhouses was so to remain, with unequal incidence, or whether it would be better to make it a Union charge. At one time it struck him that the best mode of dealing with the question would be to place all in-door relief upon the Unions and retain out-door relief upon the electoral divisions. But when he came to consider the details of this solution he found this important objection to it, in addition to others that had been urged—namely, that in order to relieve a small number of heavily-rated electoral divisions it would make an important change in the area of rating through the whole country. He had, therefore, to abandon that proposal. So the question rested at the end of last Session. Since then he had been in communication on the subject with hon. Members on both sides of the House, and with noble Lords sitting in the other House, who were greatly interested in the management of Poor Law matters in Ireland. He thought, after all, the question would be met by placing the charge for the deaf and dumb paupers, on the Union rate, and relieving certain electoral divisions of part of the heavy charge for the maintenance of in-door paupers by

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rate in aid might be so arranged that it would secure economy, even in the cases mentioned by the hon. Member for Cork (Mr. Downing). He proposed, where the charge on any electoral division for the maintenance and clothing of electoral division in-door paupers exceeded the average rate of charge on the Union for that purpose by more than 50 per cent, that the excess above that 50 per cent should be levied as a Union rate; provided that no electoral division would be so relieved, on which this charge did not exceed 1s. in the pound. The details were difficult to explain; but he would bring in a Bill in which his proposals would be embodied. He thought in this way they might secure what was wanted—namely, relief in a comparatively small number of electoral divisions without interfering with the Poor Law system throughout the country. The provisions of the rate-in-aid would apply to 91 Unions out of 163. In that Bill there would be a provision in regard to the valuation of electoral divisions. It was no doubt the fact that in some of the electoral divisions the apparently high poundage rate now levied was due to a very low valuation. The provision to which he referred would enable the Guardians of any Union where a rate-in-aid was levied to have their Union re-valued in order that the poundage of all the electoral divisions might as far as possible be put on a fair basis. These would be the main provisions of the Bill, which he hoped shortly to lay before the House, and he trusted they would be regarded as a fair attempt to meet the question and to give relief where it was wanted, as well as to secure administrative economy.

MR. O'SULLIVAN said, the proposal of the right hon. Gentleman was fair and reasonable.

MR. O'SHAUGHNESSY said, after the statement of the right hon. Baronet, he begged leave to withdraw his Motion.

Motion, by leave, withdrawn.

MONASTIC AND CONVENTUAL INSTITUTIONS BILL.

Notice being taken of the language contained in the Petition from Newark Street, Leicester, in favour of the
an Institutions

MR. CALLAN moved—

“That the Order that the Petition do lie upon the Table, be read, and discharged, on account of the unbecoming language used therein.”

The hon. Gentleman said, it was true that considerable liberty was given with reference to the language of Petitions; but when an hon. Member presented a Petition containing charges of an awful nature he ought within a reasonable time—certainly within a month—to found some Motion on that Petition. Six weeks had now elapsed since the presentation of this Petition; but the hon. Member for North Warwickshire had not founded any Motion upon it. The Petition, among other things, stated that in many of the convents the inmates were put to death and that the nuns became the victims of horrors that far surpassed anything that entered into the minds of the public generally. Upon the ground, therefore, that the language of the Petition was unbecoming, he moved that the Order of the Day that the Petition from Newark lie upon the Table be read and discharged.

MR. WHALLEY trusted the House would pause before accepting this Motion, because it involved a question in respect to the right of petitioning which was entirely novel. He had carefully read this Petition, and although he should have recommended the petitioners to withdraw many of the expressions in the Petition, yet the statements contained in it were strictly and historically true, and could be proved *verbatim et literatim* by evidence such as hon. Members were in the habit of acting upon.

MR. ANDERSON thought it could not be denied that the expressions used in that Petition were very improper, but, on the other hand, they were bound in every possible way to protect the right of Petition; and as that particular Petition had, he believed, been received and printed by the Committee on Petitions, it would be a virtual censure on them to reject it without first hearing their explanation of the matter.

MR. O'CONOR said, it had been before explained by the Chairman of the Committee on Petitions that that Petition, or one similar to it, had been printed by pure inadvertence, owing to the very great number of Petitions which came in on the same day.

MR. ORMSBY GORE confirmed this statement, and said that what had oc-

curring in that case would cause the Committee to observe great caution in future.

THE CHANCELLOR OF THE EXCHEQUER observed, that all must feel that the right of petitioning was a very sacred one, and one with which they ought to be careful how they interfered. It, however, must be borne in mind that there were necessary Rules to maintain the proper position of the House, and one of them was that Petitions should be couched in temperate and respectful language. Ordinarily speaking, the House trusted to the judgment of the Committee of Petitions to reject any Petition containing language of a character which ought not to be laid on the Table. But they could understand how, under the circumstances just mentioned by two Members of that Committee, those particular Petitions had escaped notice and been inadvertently received. On the whole, he thought the House had better adopt the Motion for the discharge of the Petition.

Motion agreed to.

Ordered, That the Order that the Petition do lie upon the Table be read, and discharged, on account of the unbecoming language used therein.—(Mr. Callan.)

BOULOGNE SUR MER PETITION.

Report from the Select Committee, with Minutes of Evidence, brought up.

Report read, as followeth:—

Your Committee, having taken Evidence and having searched for precedents, do not advise the reception of the Petition by the House.

Report, with the Minutes of Evidence, to lie upon the Table, and to be printed. [No. 232.]

House adjourned at One o'clock.

HOUSE OF COMMONS,

Wednesday, 17th May, 1876.

MINUTES.]—PUBLIC BILLS—Second Reading—Intoxicating Liquors (Licensing Boards) [6], put off; Irish Peerage * [149]. Committee—Report—Coroners (Dublin) * [104-152].

Mr. Ormsby Gore

INTOXICATING LIQUORS (LICENSING BOARDS) BILL.

(Mr. Joseph Cowen, Sir Henry Havelock, Mr. Burt, Mr. Norwood.)

[BILL 6.] SECOND READING.

Order for Second Reading read.

MR. J. COWEN, in moving that the Bill be now read the second time, said, its object was simple, soon stated, and easily understood. It proposed to vest the power of granting, withholding, and transferring licences for the sale of intoxicating drinks, now enjoyed by the magistrates in a board elected by and composed of ratepayers. The constituency would be all persons who were rated, or liable to be rated, for the relief of the poor. The qualification for members would be rateability and residence, and the jurisdiction of the board would be co-extensive with the Poor Law Unions. The elections would be triennial, the voting by ballot, and each ratepayer would give one vote for each candidate. The cost of the elections and the working of the board would be defrayed out of the local rates. The number of members of the board would vary according to populations—never being less than five, nor more than 21. Against the decision of the board there would be no appeal to magistrates in quarter sessions or other authorities. All the licensing powers that the magistrates now possessed would be handed over to the boards without curtailment, and without addition; but there would be no interference with the ordinary licensing laws. The regulations that now existed with respect to the opening and closing of public-houses and the police restrictions, would be the same under the Bill as they were at present. There were many other details in the Bill, regulating elections for and the working of the boards, but in none of these details was there any principle involved. They were merely matters of convenience and arrangement, and if the Bill should be so fortunate as to be read a second time, these could be altered in Committee as the House thought fit. The vital principle of the Bill was the transference of the power of granting licences from a class to the people—from an irresponsible to a representative body. The reasons for the Bill were two-fold. First, he asked for it as an act of justice to

the ratepayers; and, second, as a means of mitigating the evils of intemperance. Men of all parties, classes, and creeds were agreed that drunkenness was the curse of our age and country. No sane man would attempt to apologize for or excuse, much less defend, the vice. The subject had been written about so extensively, and spoken of so often, that it was almost impossible to give expression to a new thought upon it, or to clothe an old thought in fresh language. Medical men, Judges, police authorities—all persons, indeed, interested in the administration of criminal justice—Poor Law Guardians, and the number of excellent men and women who were daily concerning themselves with the social betterance of the people, were all agreed that most of the pauperism, much of the crime, and a great portion of the insanity in the country were due to the excessive use of intoxicating drinks. It had been estimated that two-thirds of the pauperism, three-fourths of the crime, and half the insanity were thus occasioned. He gave these figures not as facts, but as calculations. They did not possess sufficient data to form an absolute conclusion on the subject, but the opinion that had been expressed was worthy of consideration. The indirect evils of intemperance were scarcely less than the direct miseries it inflicted. There was not a household in the land that had not felt its blighting and baneful influence. The wisest and the ablest and the best amongst them had suffered either by themselves, or through their connections, from its demoralizing and degrading contaminations. He believed he spoke the unanimous sentiments of the House when he said they were all anxious to discover some remedy that would, if not remove, at least moderate the injuries sustained by the nation from intoxication. Drunkards did not suffer themselves only for their vices—they entailed suffering and expenditure on others. Poor houses, lunatic asylums, and gaols, had to be erected, upheld, and the inmates maintained, by the sober and thrifty section of the community. It was difficult to calculate the exact amount thrown on the rates by this selfish and self-destroying custom. It was customary of late years to include in the poor rate almost every new local rate that was imposed, but, making all necessary deductions, he calculated

that the sober and thrifty ratepayers paid no less a sum than £20,000,000 a-year for the direct and indirect consequences of drunkenness. This amount might be considered excessive by some, but he believed the Poor Law and prison returns would sustain it. On these two points—that intemperance was an evil, and a consequent expense to the ratepayers—he believed he would carry the united support of hon. Members. His third point might not receive such general approval. He maintained that the excessive and unnecessary multiplication of public-houses was productive of drunkenness. He knew this view was not universally held, as he had that morning received a letter from a gentleman, written with great ability, and in which figures were very adroitly manipulated, showing, or attempting to show, that the more public-houses they had the less drunkenness they had. He did not think the view of his correspondent would be acceptable to the House. Committees of the House of Commons had sat at various times—in 1834, in 1853, and at more recent dates—examining into the cause of intemperance and the best means for its cure. The all but unanimous opinion of the witnesses called before those Committees was to the effect that an excessive traffic in drink was productive of drunkenness. The Church of Scotland, some years ago, alarmed at the spread of intemperance, appointed a Committee of their body to make a like investigation. Their report was equally decisive as to the injurious influence of the public-house. The Lower House of Convocation of the Church of England also appointed, quite recently, a committee, under the presidency of Archdeacon Sandford, to inquire into the question. An immense mass of valuable and trustworthy evidence was collected from all parts of the country, and from all classes of men. Again, the all but unanimous opinion of the persons referred to was, that you could always tell the amount of drunkenness in a place by knowing the number of public-houses. As far as evidence could justify an opinion, therefore, the evidence at their disposal showed that with extended traffic they had extended drunkenness. Now, his (Mr. Cowen's) argument was this—That inasmuch as public-houses caused drunkenness, as drunkenness caused crime, pauperism,

and insanity, and as these in their turn threw a heavy tax on the ratepayers, the ratepayers ought to possess the power of regulating and controlling the licensing authority. He did not think that by abolishing all public-houses you would necessarily abolish all drunkenness. A man could drink in his own house, even to excess. No one had ever proposed that the law should interfere with the exercise of this individual right. Intemperance arising in this way was beyond the reach of legislation. All that had ever been proposed was to deal with the open and public drinking. In asking that the power of licensing should be vested in the people, he was simply asking for the extension of a principle that was acted upon in all other local institutions. The men who paid the educational rate voted for members of school boards, the men who paid the sanitary and municipal taxes voted for the members of local boards and town councils. All he was now contending for was that the men who paid the drunkards' rate should control the social mechanism that manufactured drunkards. The licensing authorities now were the magistrates. He objected to them possessing that power for two reasons. First, because they were drawn from a class not fully acquainted with the social requirements of the people, and second, because they were irresponsible. He had no wish to speak with unnecessary harshness of the unpaid magistracy, but he was simply stating what was the fact, when he said that men were put on the Commission of the Peace not because they were qualified for discharging the duties of the office. Before a man was made a Justice, it was not necessary for him to have any judicial training or legal knowledge. If he had a certain social standing in his town or county, if his personal character was moderately reputable, and if he had been a more or less active partizan of either of the two political parties of the State, he could have no difficulty in being raised to the local bench. He knew that the political aspect of the magisterial creations was disputed, but he felt satisfied that facts warranted the statement he had made. They had a phrase in America to the effect that "to the victors belong the spoils," and when a change of Government took place in the United States, every officer, from the

President of the Republic to the most obscure postmaster, was changed. They did these things better in this country than that, for whatever changes of Government we had, the permanent officials of the Administration were not altered. But whenever either of our political Parties changed sides in that House, there suddenly arose from all parts of the country a mysterious demand for an increase in the borough magistracy. It was both amusing and instructive to note that requirements for additional magistrates always sprung up just after an alteration of the Government had been effected. When the Conservatives came into office in 1866, in less than three months after their accession to power the magistracy in the county of Lancashire was increased one-fourth. He did not know whether this accession to the unpaid justices had anything to do with the subsequent Conservative reaction that took place in that county. He did know, however, that some inconvenience had been experienced by the list of J. P's. and D. L's. being swollen so rapidly, and so largely. He had heard of some local publisher who had been accustomed to print annually an almanack or county directory, in which were recited the names of the local magnates. The sheets for this publication were prepared in advance, and a little space was left for adding the names of the magistrates. It was found, however, that the number had been run up so largely, that the poor publisher, or publishers, was compelled to issue a supplement, so as to include all the new dignitaries that had been created. When the present Administration came into office a number of magistrates were again made. There were upwards of 3,000 borough magistrates in England and Wales. About one-half that number had been created within the last 10 years, and 300 of them were made in 1874, within seven or eight months after the present Government got office. The late Sir Arthur Helps, shortly before his death, said that he could not recollect during all his varied and extended official career that he ever knew a case of political jobbery. The late Clerk to the Council was not only an able, but an amiable, and unsuspecting man, and he (Mr. Cowen) feared that his opinion as to the absolute purity of either or both Parties in the State would not be con-

Mr. J. Cowen

firmed by anyone who had been engaged in the rough and tumble political life of the last quarter of a century. He did not charge the Tories exclusively with using their power for Party purposes. The other side were also to blame. The only Party that was clear was the unfortunate Radical party to which he belonged. The only difference between the Parties was that the Liberals had been in office almost continuously for a number of years, and their appointments had been spread over a length of time, whilst the Tories had usually been made in lumps. He did not wish to be as hard on the "Great Unpaid" as his hon. Friend the Member for Leicester (Mr. P. A. Taylor) sometimes was. He believed the magistrates administered substantial justice in a rough and ready way. Whatever might be the political proclivities of the men before they were put on the Commission of the Peace, when in office he believed they fairly and conscientiously strove to do their duty on all general questions that came before them. He would not, however, like to trust to the impartiality of a county bench of magistrates when a game case was submitted to their consideration. Nor would he like to place much reliance on the fairness of either a borough or county bench when they were called upon to adjudicate on any question that referred to trades unions or to labour organizations. Indeed, the Government themselves, and Parliament also, had taken that view of the magisterial character, for in the Labour Laws Bill of last Session the powers of the justices were restricted by special enactment. The same objection that there was to the impartiality of magistrates in game law and trade cases applied to their dealing with licences. A licence was granted upon the theory that the public required it. The requirement of the people was a very elastic term that could be stretched either way without any great charge of partiality being sustained. He did not accuse the magistrates generally of granting licences improperly, but he did say that without proper consideration, and very often for purposes of obliging a friend, or serving a political partizan, they allowed the interests of the people to suffer. It was true that their authority in this respect had been much curtailed by the continuous criticism that had of

recent years been passed upon their proceedings. Still, however, they were amenable to the political and personal influences he had mentioned. It was a settled point of the jurisprudence of this country that judicial authority should be dissevered from the exercise of patronage. In their Judges was vested the appointment of their own assistants and clerks, but beyond that they had no power to dispense offices of trust or value. The patronage of the nation was vested in the responsible Government. The Government had to account for the exercise of their power to Parliament, and Parliament in its turn to the country. In this way a wholesome restraint was put upon the exercise of this privilege. Although this was the general principle, they departed from it in the power they gave the justices. A licence was a piece of property. It was worth £200, £300, £400, or £500, according to circumstances. The law as it now stood enabled the men who had received their appointments as magistrates for political services to give this valuable property to their supporters and adherents without being liable to either criticism or control. They might exercise that power fairly and they might do it corruptly. He proposed to withdraw that authority from them, so as to prevent the suspicion of corruption in persons administering a department of the criminal law. But the magistrates could not only enhance the value of one man's property, but they could also, by conferring a licence, decrease the value of his neighbour's. He recollected a case which occurred quite recently, illustrative of this point. A piece of property had to be sold for purposes of a trust. It was put up for auction, and a certain sum was bid for it, but not being sufficient, the property was bought in. In three or four months afterwards it was again put up, and the price obtained was less by £800 than what had been previously offered. The cause of this difference was easily explained. In the meantime the magistrates had granted a licence for a spirit bar in the immediate neighbourhood. By adding this licence they more than quadrupled the rental of the publican, while they sent the value of his neighbour's house down by the amount he had named. It might be said that the same influence could be used by, and the same objection urged against, the exercise of this authority by

Licensing Boards that was urged against its exercise by the magistrates. He (Mr. Cowen) at once acknowledged that this was the case. The members of the Licensing Board would neither be perfect nor infallible. They would be amenable to some of the influences the magistracy were controlled by. But there was this very marked difference between the two. The magistrates were practically an irresponsible body. They were nominally accountable to the Secretary of State, and could be dismissed by the Lord Chancellor for any serious breach of law or duty; but they knew that, in practice, this power was very seldom exercised. The fact was, as a general rule, that a man once a magistrate was always a magistrate. The nature of their appointment being thus, the magistrates might be said to be in office for life, and irresponsible. The members of the Licensing Board, on the other hand, would be directly responsible to the people. If they failed to discharge their duty honestly, when they came for re-election they would be dismissed. The cardinal difference between the two bodies was that the magistrates were irresponsible, and the Board would be a responsible body. In that distinction there was much involved. The magistrates, too, were disqualified for the impartial discharge of the functions of granting licences, because they were drawn from a special section of society. They were all members of one class. The theory on which licences were granted was that they were necessary for the accommodation of the public. The magistrates were members of that section of the community that did not use these houses, and did not want them. They lived for the most part in the country, and in suburbs of towns, and they always took care that they kept licensed houses as far away from the precincts of their dwellings as possible. Public-houses were set down in the most densely-populated parts, and surely the men who lived in these districts would be better acquainted with their wants and requirements than the persons who resided such a distance from them. If some of their magistrates were called upon to reside next door to a gin palace, and to have their sons and daughters brought daily and hourly in contact with the scenes of disorder and demoralization that too frequently surrounded such

places, they would probably be more chary in their dispensation of licences, and less given to extol the benefits arising from public-houses. On these grounds, therefore, he objected to the magistrates as the licensing authority. The reasons with which he sustained his position might be unsound; but he had been unable to detect their unsoundness. It was always customary for a man who felt warmly on any subject to speak disparagingly of his opponent's arguments, and possibly to exaggerate the force of his own. He believed the case that he had made out was complete, and his accusations unanswerable. The magistrates had had the power of granting licences in this country for 300 years, and how had they exercised it? What had been the result of their administration? They judged a tree by its fruits, and did not expect figs of thorns or grapes of thistles. What had been the fruits of this magisterial licensing? He learnt by one of Mr. Hoyle's admirable and able contributions to the literature of temperance some facts respecting the growth of our drinking customs. During the last 14 years the population of England had increased 18 per cent. During the same period assaults had increased 48 per cent, breaches of the peace 128 per cent, misdemeanours 37 per cent, prostitution 36 per cent, and drunkenness 110 per cent. Along with this increase of intemperance and crime, they had had an enormous increase in the number of places for the sale of intoxicating drinks. In 1829, in this country, 50,422 places were open for the sale of drink. At that time the population was under 14,000,000 in England and Wales. In 1869, they had 135,720 places open for the sale of intoxicating drinks, and the population was under 23,000,000. He thought whatever else they might say about the magisterial licensing system, they could with justice affirm that during its exercise, even with the modern restraints that had been put upon it, there had been an enormous development of the traffic in strong drink, and along with it a large addition to the crime of the nation. In asking for the transference of the licensing from the magistrates to the local authorities, he was simply asking for the restoration of an old constitutional privilege. For some hundreds of years the power of granting and controlling licences in this country was

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vested in the local authorities. It was only in the reign of Edward VI., the Tudor King, that the magistrates were entrusted with the powers they now possessed. This principle of local option had been adopted with benefit in different parts of America. He was not in this referring to the operation of the Maine Law, but merely to the exercise of licensing powers by the municipal and parochial authorities. In Canada, and in some of the Australian colonies, the same authority had been granted. In Sweden, too, a very interesting licensing experiment had lately been tried. The details of that scheme had been made known in a very able pamphlet written by Mr. Balfour, of Liverpool, which was well worthy the consideration and attention of hon. Gentlemen. The principle of that scheme was to vest the licensing authority in the municipal councils in boroughs and parochial authorities in the rural districts. In this country, too, the same principles had been assented to. That the House had more than 40 years ago debated, and adopted the identical principle that he was now contending for, hon. Members might not be aware, but it was the fact, that the House of Commons, by a large majority, agreed to the transference of the power of licensing from the magistrates to the town councils. In 1835, Lord Melbourne's Administration introduced into Parliament the Municipal Corporation Reform Bill. In that Bill the change that had been mentioned was provided for. Clauses 52 and 53 of Lord Melbourne's Bill were to the following effect:—

"Clause 52. The Council of every borough to which a separate commission of the peace shall have been granted, as hereinafter mentioned, or a committee of the Council to be specially appointed by the Council in that behalf, shall hold a special meeting in the month of September in every year, for granting licences to persons to keep victualling houses, alehouses, and canteens, and to sell ale, beer, and all other exciseable liquors by retail within such borough, and after September 1st, 1836, all such licences within any such borough, granted otherwise than by the Council of such borough, or such committee of the Council as last aforesaid, shall be null and void.

"Clause 53. That after September 1st 1836, the councillors of every such borough shall act with all the powers, and subject to all the disqualifications and penalties in the matter of granting such licences, enacted concerning justices of the peace by the Act of George IV., for amending the law for regulating the licensing

of all houses in England and preventing disorders therein. The town clerk shall act in the same manner as prescribed to clerks of the justices, and all provisions of the said Licensing Act (of George IV.) shall apply to the licences to be granted by the Council."

This Bill was introduced into the House of Commons by Lord John Russell and Lord Howick, the present Earl Grey, was associated with him in the conduct of the measure. In introducing it Lord Russell made the following remarks:—

"Then with respect to another part of this measure, which refers to what I consider a part of the police of the town—and a part which has often led to very great abuses—I mean the power of granting alehouse licences, it is proposed that this power shall not be vested in any of the magistracy. We think that it ought not to be mixed up or confounded with the duty of administering justice, but that it should be left to the Council or to a committee of the Council. I think that the Council being elected by the ratepayers—under the popular mode of election now proposed—although no doubt many of the members may have a desire to favour their friends or promote their own private views as a body—will always act under popular control—and be less likely to abuse the power of granting licences than magistrates, in whose case the robe of justice is sometimes employed to cover a great enormity of abuses."—[3 *Hansard*, xxviii. 555.]

He begged the House to remember that it was not he (Mr. Cowen) who had made these observations, but the distinguished Whig statesman who was the author of the Reform Bill. The Corporation Bill passed the second reading without a division. Conspicuous amongst its supporters was no less a statesman and orator than the late Lord Derby, who gave it his most emphatic approval. As soon as the measure came for consideration in Committee, however, the late Sir James Graham proposed an Amendment to the clause relating to licences. The right hon. Member for Cumberland was not favourable to the absolute transfer of licensing power to the councils. He proposed to give to the county magistrates concurrent jurisdiction with the corporate authorities. His Amendment received a qualified support from Mr. Sotherton Estcourt—a Gentleman whom hon. Members on the other side of the House would recollect as a recent Colleague. In the debate on the Amendment, Lord Howick made a rather remarkable speech, which he would quote in full—

"Lord Howick said, it appeared to him that his right hon. Friend the Member for Cumberland did not properly perceive the view upon

which his Majesty's Government had devolved the power of granting licences to the Town Councils. The difference between the views of his right hon. Friend and those of the Government was this, that while he contended that the power of licensing was a judicial function, he (Lord Howick) contended that it was a power which had no relation whatever with the judicial functions of the magistracy. The right hon. Baronet said, that the Crown was the fountain of all authority, and the chief conservator of the peace, and that all the authority of the Magistrates was therefore derived from the Crown. Now one of the great abuses of the present state of the Magistracy was, that it not only was without responsibility to the Crown, but was beyond the control of the people. The Government thought that the Magistrates ought in the first place to be chosen upon the recommendation of the people, but should derive their power from the Crown. It was upon that principle—a principle which he conceived to be perfectly in accordance with the principles of the constitution—that they had introduced this provision. If the distribution of alehouse licences were left in the hands of the Magistrates, it might be made the vehicle of great political power, which would probably be exercised for political purposes. The power was certainly an invidious function, but it was necessary that it should be placed in some hands or other, and they thought it most important that the hands in which it was placed should not be those of the Magistrates who had the administration of criminal justice. They thought, in short, that the administration of criminal justice and political power should be kept as far separate as possible. And it was upon that account that they took the granting of alehouse licences out of the hands of the justices. He admitted that the contrary had been the late practice, by the statute law, but he contended that it was not so by the principles of the constitution. It was only subsequent to the Revolution that the power of licensing was first given to the Magistrates. His firm belief was, that it would be of less mischief to the people themselves, if the power of licensing were not united with the administration of justice."—[3 *Hansard*, xxix. 212-13.]

He again begged the House to understand that the observations he had been reading were not his own, but the observations of the eminently Conservative statesman, Earl Grey. The late Mr. Edward Baines, the Member for Leeds, Mr. Parker, the Member for Sheffield, and other Gentlemen, warmly supported the views of Lord Howick, and said harder things against the magistracy than he (Mr. Cowen) now dared to use. Even Lord Sandon declared, in the same discussion, that the publicans were the most dangerous and objectionable political party in the State. Upon a division, Sir James Graham's Amendment received only 166 votes, while the clause proposed by Lord Howick received the

support of 211 hon. Gentlemen, thus being adopted by a majority of 45 in a House of 377 Members. He (Mr. Cowen) believed it was not generally known at the present day—either in the House or in the country—that Parliament had by such a substantial majority adopted the principle of local option with respect to publican's licences. He had had the pleasure of hearing on three or four occasions the Permissive Bill of his hon. Friend the Member for Carlisle discussed in the House. In each debate he had heard this argument advanced. No, it was not an argument. It ought not to be dignified by that name. It was simply an objection. So much strength appeared to be in the remark that in the course of a single afternoon he had heard it repeated no fewer than three times, by three different speakers. The objection was that hon. Members declined to vote for the Permissive Bill because that proposal had never yet been voted for, or advocated by, a statesman of repute or influence. A more feeble objection he never heard urged. Was it not a fact that men of weight and influence never espoused a cause until it had become too strong for them to resist? It was always the obscure men, and the men of little worldly influence, who championed unpopular truths. They were fishermen and workmen who first embraced the doctrines of Christianity. The abolition of slavery and of the slave trade, the advocacy of political reform, of free trade, and our great fiscal changes, had all been in the first instance battled for by obscure men below the Gangway. It was only when these principles had been preached and popularized, and when the people had been educated to a knowledge of their truth and a recognition of their justice that the dignified occupants of the two front benches lent them their countenance and patronage. The Leaders on the front forms—men of weight and influence—decried and disparaged unpopular causes till the said causes became too strong for them. They then adopted them, and usually ignored the services of those who had advocated them in the day of doubt and difficulty. The only instance he recollected where the services of obscure men were cordially and heartily recognized by an influential personage in the State, was when the late Sir Robert Peel so mag-

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unanimously confessed his obligations to Mr. Cobden for the conversion he had effected in his mind on the question of Free Trade. But whatever might be the objection of these weak-kneed politicians to vote for the Permissive Bill, they could have no such ground of objection to the Bill now before the House. It had the advantage, or disadvantage, of having had its principles adopted by all the leading Whig statesmen of this last 40 years. The Bill was prepared and introduced by Lord Melbourne's Administration. That Administration comprised many well-known politicians. Lord Melbourne himself, who was the very impersonation of the *juste milieu* doctrines that received such general acceptance at the present time, had associated with him as Colleagues the late Lord Lansdowne, Lord Holland, Sir John Cam Hobhouse, Mr. Spring Rice (the late Lord Monteagle), Lord Morpeth (afterwards Earl of Carlisle), and the Earl of Clarendon. As his Home Secretary he had Lord John Russell, a statesman who earned the confidence and esteem of his contemporaries, and had won for himself the undying praise of history. Then there was Lord Palmerston, a statesman whom hon. Gentlemen opposite were constantly complimenting; Lord Howick, a nobleman of great ability, of large experience, and against whom the charge of extreme views had never yet been preferred; Mr. Thomas Babington Macaulay, our brilliant historian; Sir George Grey, formerly Member for Morpeth; Mr. Henry Labouchere (afterwards Lord Taunton); and others who had also become distinguished. All these statesmen approved of the principle he was contending for, and the Bill which he had quoted from was introduced with their authority and sanction. Amongst the 211 Members who voted for it were some of the best known and most highly esteemed politicians of modern times. The list included the names of Joseph Hume, General Thompson, Sir John Bowring, George Grote, the historian of Greece, and the lamented Judge Talfourd. The Irish Members had apparently supported it in great force, as there were no fewer than five O'Connells, including the great Liberator in the number. Mr. William Smith O'Brien also voted for the licensing clause in the Bill, and amongst other names was that of Mr. John Walter, the

founder of *The Times* newspaper, and the late Mr. Edward Baines, whose name was still held in high repute in the North of England. If, therefore, conventional politicians declined to vote for the Permissive Bill in consequence of its only being supported by obscure Members, no such objection, surely, could be urged against the principle he was advocating. It had been sustained by the most distinguished and illustrious names that modern Parliamentary life had furnished. He had tried to ascertain what were the objections that had been made to the Bill. He had found them stated at publicans' dinners, and in the few Petitions against the Bill that had been presented to the House. All the objections reduced themselves into two. The first was with respect to expense. It was said that these Licensing Boards would entail a heavy cost upon the ratepayers. He thought that a very feeble objection; because, if the Boards accomplished the objects that were contemplated, the expense would be a very small matter indeed. It was a mistake, however, to suppose that any large outlay would attend the creation of the Boards. The working expenses would be the same then as the working expenses of the licensing magistrates were at the present time. It was provided by the Bill that the clerk to the justices should render the same services to the Board as he did now to the justices. The probability was that the cost of the Boards would, therefore, be no more, but positively less, than was involved by the existing system. The expenses of the elections would necessarily depend upon the size of the Union. He had had some experience of contested local elections, and he had also made inquiries of persons who had more knowledge of the subject than he had. He found that the probable expenditure that such contests would entail upon the ratepayers would range from a farthing to a penny in the pound. Of course this was a mere estimate. It might be more, or it might be less. If it was a penny in the pound for three years, that could not be termed excessive taxation. A man who paid rates upon £100 would, in three years, be called upon to pay 8s. 4d. He dismissed, therefore, the question of expense, and was a little surprised at its being raised. The next objection was, that the election of the Boards

would produce agitation. This he at once admitted. The agitation would be useful popular education. Every year when the election came round the whole question of intemperance would be fully discussed in every Union of the kingdom. The injury that drunkenness inflicted on the community and on individuals would be pointed out, and the election would be made a valuable means of inculcating the truths of sobriety. He confessed that he looked to this result as one of the benefits arising from the establishment of these Boards. Agitation purified the mental atmosphere, and cleared the moral perception of mankind. The surface of a still and placid lake might be pleasant to look upon; but if its waters were stagnant they contained within them the seeds of disease, of destruction, and of death. On the other hand, the water of the mountain stream that rushed ruggedly over rocks, and beneath hollows, carried along with it in its current health, life, and freshness. Fear of agitation! Agitation had been the very stay and bulwark of our national prosperity. If they wished to see the evil effects of the want of agitation, they had but to look across the Channel. For more than 20 years the French people were deprived of the right of agitation. The Press was fettered, and the right of public meeting was denied them. They were allowed to laugh, dance, and be merry, to make money and grow rich; but they were forbidden to take any part in the practical affairs of the nation. For a time this succeeded; but in the end the inevitable explosion took place, and they might have read a few years ago in the ruined cities, the burning hamlets, and the desolated plains of mutilated and dismembered France, a lesson on the folly—the stupendous folly—of trying to restrain the natural and necessary right of agitation which every free people must enjoy. In the mad and sorrowful and criminal excesses of the Commune, they might learn the protest of the French against the unreasoning curtailment of free discussion. The lack of agitation begot indifference, and indifference begot corruption. It would be a fatal day for England when they ceased to allow the fullest and most complete agitation of all questions of popular interest and right. But he was willing to allow that the persons who raised the cry against

agitation did not, necessarily, speak against political movements. They had in view the injury that the agitation was likely to do to the liquor traffic. He knew that the first condition of all success in commerce was security, and the publicans felt that if the existence of their licences were insecure, their trade might be diminished. He felt the force of the argument, and admitted that there was something in the objection. But he would beg the publicans to remember that they enjoyed a monopoly which brought them wealth, and influence, and political power. For that monopoly they must pay. Their trade, too, inflicted a heavy tax upon the community. Policemen had to be kept to protect and defend their customers. Asylums and workhouses had to be built to provide for them in their old age. When the publicans had drawn away their brains and their fortunes they threw them for support upon the people. It was only right, therefore, and natural that the people who had to pay for the consequences of this traffic should exercise over it a wholesome and proper control. Another objection made to his proposal was that instead of producing too much agitation, it might probably produce too little. This was rather a contradictory objection. Then there were gentlemen who urged that the licensing power should not be given to special boards, but should be given to town councils. To this principle he had no objection. It acknowledged the right of the ratepayers to control the licensing, and that was what he was contending for. But he thought that the members of town councils had already as many duties to discharge as they could properly accomplish, and every year more were being thrown upon them. Men were elected to be members of town councils in consequence of their knowledge of local matters, of sanitary and municipal affairs. If they vested in this body the licensing power, they would introduce an element of unnecessary conflict. In some places where the licensing party was strong the licensing question would overshadow all else. In others, where they were weak, it would be ignored. The question would be judged and settled often by side issues. He thought this was objectionable, because it was quite possible to conceive a man very fit to be a member

of a town council, and yet very unfit to be a member of a licensing board, and *vice versa*, a man might be a good member of a licensing board, and a bad member of a town council. Another objection to the town council was that they only existed in boroughs, and not in counties, and therefore if they were to extend these licensing powers to counties, they would have to create boards on purpose for them. Boards of Guardians were spread over both towns and counties, and possibly they might be more acceptable than town councils for granting licences. A better suggestion still would be that, instead of handing over the power to either guardians or councillors, they should have a board composed of representatives from all the local boards. The school board might send two members, the guardians two, the council two, the local board two, the burial board two, and so forth. A board of this kind might easily be chosen. He did not think, however, that any one of these proposals was so good as that he had suggested—namely, that of making a distinct and separate board for the express purpose of granting licences. Any one of the suggestions would be better than the existing plan. The best would be distinct boards, as he had proposed; and the next best would be a board selected from representatives of the other Boards. The cry that had recently been got up against the multiplicity of local boards he did not attach much weight to. He thought there were too many elections, and it would be a saving of expense and some trouble, if, instead of having so many organizations, there was one general municipal Parliament in boroughs, and district boards in counties. If the duties of all the separate bodies could be merged in one general assembly, there would spring a certain benefit; but still it was necessary for them to recollect that those distinct bodies, having only one class of questions to consider, fulfilled their duties better than they would do if they had one great body without the division of labour that now obtained. If there was one principle acted upon more generally than another in modern times, it had been the division of labour. Its soundness was acknowledged, and accepted in manufacturing, in commercial, and in political life. Years ago, when a man went to serve his time to be an

engineer, he undertook to learn all the duties of engine building. Now a lad was apprenticed to be sometimes a fitter and sometimes a turner. A youth went formerly to be both a pattern maker and a moulder, at one and the same time; now these were two distinct departments of the same trade. In the minute articles of manufacture, one set of men dressed, another filed, another sharpened the goods that were made. In commerce, too, it was the custom for tradesmen to try to deal in a speciality. In that House the same thing was witnessed. One member mastered Indian affairs, another was conversant with military matters, and another was most at home on social questions. It was impossible for one man to master everything, and by this division of labour and thought they got greater results. The same thing held in provincial towns. Some men took an interest in municipal matters, some in Poor Law discussions, some in educational work, and it would, he feared, be injurious to cause a separation. He thought, too, the difficulty of numerous elections might be overcome in this way. All the local contests might take place in one day in the year. They now had their municipal elections in November, guardian elections in spring, and their school board elections at all times. If the whole of these could be arranged to take place in one day the expenses would be lessened, the interest would be increased, and the division of work that he had described would be maintained. Amongst these contests, the election of members of the licensing boards might also take place. He was asked whether he thought his proposal would have the effect he contemplated. Some hon. Gentlemen seemed to believe that it would increase rather than decrease the number of public-houses. This might be so. No one could foretell. There was nothing more difficult and uncertain than political prophecy. Whatever the Gentlemen on that side of the House might think or say, there was no doubt they were astonished to find that the result of the first election under household suffrage and the Ballot had been the return of a large Conservative majority. Possibly the establishment of licensing boards might multiply the number of taverns, and, as a result, the amount of drunkenness. The effect of this, however, would be to rouse the

would produce agitation. This he at once admitted. The agitation would be useful popular education. Every year when the election came round the whole question of intemperance would be fully discussed in every Union of the kingdom. The injury that drunkenness inflicted on the community and on individuals would be pointed out, and the election would be made a valuable means of inculcating the truths of sobriety. He confessed that he looked to this result as one of the benefits arising from the establishment of these Boards. Agitation purified the mental atmosphere, and cleared the moral perception of mankind. The surface of a still and placid lake might be pleasant to look upon; but if its waters were stagnant they contained within them the seeds of disease, of destruction, and of death. On the other hand, the water of the mountain stream that rushed ruggedly over rocks, and beneath hollows, carried along with it in its current health, life, and freshness. Fear of agitation! Agitation had been the very stay and bulwark of our national prosperity. If they wished to see the evil effects of the want of agitation, they had but to look across the Channel. For more than 20 years the French people were deprived of the right of agitation. The Press was fettered, and the right of public meeting was denied them. They were allowed to laugh, dance, and be merry, to make money and grow rich; but they were forbidden to take any part in the practical affairs of the nation. For a time this succeeded; but in the end the inevitable explosion took place, and they might have read a few years ago in the ruined cities, the burning hamlets, and the desolated plains of mutilated and dismembered France, a lesson on the folly—the stupendous folly—of trying to restrain the natural and necessary right of agitation which every free people must enjoy. In the mad and sorrowful and criminal excesses of the Commune, they might learn the protest of the French against the unreasoning curtailment of free discussion. The lack of agitation begot indifference, and indifference begot corruption. It would be a fatal day for England when they ceased to allow the fullest and most complete agitation of all questions of popular interest and right. But he was willing to allow that the persons who raised the cry against

agitation did not, necessarily, speak against political movements. They had in view the injury that the agitation was likely to do to the liquor traffic. He knew that the first condition of all success in commerce was security, and the publicans felt that if the existence of their licences were insecure, their trade might be diminished. He felt the force of the argument, and admitted that there was something in the objection. But he would beg the publicans to remember that they enjoyed a monopoly which brought them wealth, and influence, and political power. For that monopoly they must pay. Their trade, too, inflicted a heavy tax upon the community. Policemen had to be kept to protect and defend their customers. Asylums and workhouses had to be built to provide for them in their old age. When the publicans had drawn away their brains and their fortunes they threw them for support upon the people. It was only right, therefore, and natural that the people who had to pay for the consequences of this traffic should exercise over it a wholesome and proper control. Another objection made to his proposal was that instead of producing too much agitation, it might probably produce too little. This was rather a contradictory objection. Then there were gentlemen who urged that the licensing power should not be given to special boards, but should be given to town councils. To this principle he had no objection. It acknowledged the right of the ratepayers to control the licensing, and that was what he was contending for. But he thought that the members of town councils had already as many duties to discharge as they could properly accomplish, and every year more were being thrown upon them. Men were elected to be members of town councils in consequence of their knowledge of local matters, of sanitary and municipal affairs. If they vested in this body the licensing power, they would introduce an element of unnecessary conflict. In some places where the licensing party was strong the licensing question would overshadow all else. In others, where they were weak, it would be ignored. The question would be judged and settled often by side issues. He thought this was objectionable, because it was quite possible to conceive a man very fit to be a member

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of a town council, and yet very unfit to be a member of a licensing board, and *vice versa*, a man might be a good member of a licensing board, and a bad member of a town council. Another objection to the town council was that they only existed in boroughs, and not in counties, and therefore if they were to extend these licensing powers to counties, they would have to create boards on purpose for them. Boards of Guardians were spread over both towns and counties, and possibly they might be more acceptable than town councils for granting licences. A better suggestion still would be that, instead of handing over the power to either guardians or councillors, they should have a board composed of representatives from all the local boards. The school board might send two members, the guardians two, the council two, the local board two, the burial board two, and so forth. A board of this kind might easily be chosen. He did not think, however, that any one of these proposals was so good as that he had suggested—namely, that of making a distinct and separate board for the express purpose of granting licences. Any one of the suggestions would be better than the existing plan. The best would be distinct boards, as he had proposed; and the next best would be a board selected from representatives of the other Boards. The cry that had recently been got up against the multiplicity of local boards he did not attach much weight to. He thought there were too many elections, and it would be a saving of expense and some trouble, if, instead of having so many organizations, there was one general municipal Parliament in boroughs, and district boards in counties. If the duties of all the separate bodies could be merged in one general assembly, there would spring a certain benefit; but still it was necessary for them to recollect that those distinct bodies, having only one class of questions to consider, fulfilled their duties better than they would do if they had one great body without the division of labour that now obtained. If there was one principle acted upon more generally than another in modern times, it had been the division of labour. Its soundness was acknowledged, and accepted in manufacturing, in commercial, and in political life. Years ago, when a man went to serve his time to be an

engineer, he undertook to learn all the duties of engine building. Now a lad was apprenticed to be sometimes a fitter and sometimes a turner. A youth went formerly to be both a pattern maker and a moulder, at one and the same time; now these were two distinct departments of the same trade. In the minute articles of manufacture, one set of men dressed, another filed, another sharpened the goods that were made. In commerce, too, it was the custom for tradesmen to try to deal in a speciality. In that House the same thing was witnessed. One member mastered Indian affairs, another was conversant with military matters, and another was most at home on social questions. It was impossible for one man to master everything, and by this division of labour and thought they got greater results. The same thing held in provincial towns. Some men took an interest in municipal matters, some in Poor Law discussions, some in educational work, and it would, he feared, be injurious to cause a separation. He thought, too, the difficulty of numerous elections might be overcome in this way. All the local contests might take place in one day in the year. They now had their municipal elections in November, guardian elections in spring, and their school board elections at all times. If the whole of these could be arranged to take place in one day the expenses would be lessened, the interest would be increased, and the division of work that he had described would be maintained. Amongst these contests, the election of members of the licensing boards might also take place. He was asked whether he thought his proposal would have the effect he contemplated. Some hon. Gentlemen seemed to believe that it would increase rather than decrease the number of public-houses. This might be so. No one could foretell. There was nothing more difficult and uncertain than political prophecy. Whatever the Gentlemen on that side of the House might think or say, there was no doubt they were astonished to find that the result of the first election under household suffrage and the Ballot had been the return of a large Conservative majority. Possibly the establishment of licensing boards might multiply the number of taverns, and, as a result, the amount of drunkenness. The effect of this, however, would be to rouse the

lieve, from the early part of that speech, that those who opposed the Bill were not as sincere in their wish to discourage intemperance as the advocates of the measure. Now, he begged to say that he would yield to no man in his desire to do everything, in the House and out of it, to check the sin, crime, and misery connected with intemperance; therefore, in opposing this Bill, he hoped it would not be understood that he in any way desired to encourage opportunities for drink or to strengthen the cause of intemperance. He entirely agreed in the eloquent remarks of the hon. Member for Newcastle, in which he appealed to the House on behalf of the independence of the lower orders. He (Mr. Pell) failed, however, to see that the cause which the hon. Member had so much at heart would be really advanced by the scheme which he proposed, and which would give rise to so many inconveniences, that he believed a very short reference to them would induce the House to reject the Bill. First of all, the Bill proposed to create no less than between 600 and 900 new authorities, or new boards, in the country, with all the apparatus belonging to boards, such as clerks, stationery, board-room, and places of meeting. Those officers and this machinery would have to be provided certainly in 648 districts, that being the number of Unions throughout the Kingdom. He thought that was an objection of sufficient moment to cause the House to pause before they gave their support or acquiescence to such legislation. Then there was to be a new election every third year, and it was to take place in the month of July—in the busiest period of the season, and the hottest, at a time when beer was most sought for relief in heat and dust. The expense of creating these boards would fall upon the ratepayers. In the case of the Burial Boards in England, the Acts which established them were founded on good reasons; but they had failed in realizing the purpose they were intended to effect, although they cost from between £134,000 and £140,000 a-year out of the rates. These boards were not very numerous in the country, but the House could judge from them what would be the expense of creating and maintaining the boards proposed by this Bill in from 700 to 900 districts. The clerk would

have to be paid, the returning officer would have to be paid, and it was provided in the 14th clause that all law costs—and he presumed those connected with the damage of existing interests—should come out of the rates. Then there would be the expense of the poll, which would be forced on the inhabitants of every little village; while the polling itself was a very objectionable proceeding. The hon. Member had not suggested how and where these elections were to take place, but would throw this disagreeable duty upon the Home Office. He had, however, put a certain limit to the licensing board. It was not to consist of less than five members, nor more than 21, and every adult might insist upon his right to be heard and claim a poll if he chose. But that was not all. A provision was made for filling casual vacancies caused by disqualification, and the disqualifications were specified, bribery, corruption, and bankruptcy; and to these was added a very remarkable cause of disqualification, which at once proved what the hon. Member considered might possibly be the character of the board, and that was, “any member of the board who should be imprisoned for any crime”—which he supposed might possibly include drunkenness—would be disqualified. So that it was anticipated that even the Chairman of the new board might be apprehended under the warrant of the very authority which it was sought to displace, and sent as a prisoner to the county gaol. Amongst the persons disqualified from serving on the board were all beersellers, brewers, and dealers in malt, whether wholesale or retail. Why, he would ask, should not the coffee seller and tea-dealer be equally handicapped? With regard to what the hon. Member had described as mechanism for the manufacture of drunkenness, as far as his experience as a magistrate extended, he (Mr. Pell) thought the action of the present licensing authorities must be admitted to be one rather of undue restriction than extension of the number of public-houses; at all events, the restriction was a general one, and the justices knew what they were about. He had been a great walker in his life; but that pleasurable recreation would be rendered unenjoyable, if he found himself in a county in which this proposed law had come in

force. Unions were very large areas, especially in the North of England, where some of them were open, wild, inhospitable tracts, and it would be necessary to have something like a geological map, which instead of indicating the alluvial and other kinds of soil, it would indicate the districts where the travellers would have no chance of getting anything to drink. That would not only be a great inconvenience, but it would have a bad effect on the people themselves. It was either right or wrong that the people should have an opportunity of obtaining a glass of beer. If it was not wrong to refresh themselves, and if it did them good to drink a glass of beer, it must be wrong to put an absolute stopper upon the means of obtaining it. In such a matter as regulated opportunity for procuring that which it was not wicked to drink, it would be unwise to let the control pass out of the hands of the justices. He knew that in many cases property rose in value by the establishment of decent inns, and it was just the same with churches. In the great towns—take Leicester, for instance, which was remarkable in the Census for a large increase of population—directly a suburban field was brought into the market it was bought and parcelled out into building allotments—and what was the first thing that rose up? The first thing, he was proud to say, was a church. What was the second thing? A public-house. The beer and the Bible were brought closely together; and, let him observe, not an unholy connection. Churches might be used for wrong purposes as well as public-houses. It was the use which sanctified. It was the spirit of devotion with which you entered the one, and the spirit of temperance with which you entered the other, that gave the true character to the building. What was true in this populous country with reference to the church and the public-house seemed to be true in the case of Robinson Crusoe, who, when cast on the desolate island, Defoe tells us, took a dram and prayed. He could not give his assent to the preposterous proposals of this Bill, which would lead to results so entirely different from those which the hon. Member anticipated; and he trusted the system of licensing public-houses under Lord Aberdare's Act would receive a much longer trial

before any alteration of it was seriously contemplated.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Sir Walter Barttelot.*)

SIR HENRY HAVELOCK said, that in rising, as he did with very great pleasure, to support the second reading of the Bill of the hon. Member for Newcastle, he would state at the very outset that he had no sympathy with those who clamoured for the total suppression of the drink traffic. He was one of those who believed it to be a fair and legitimate traffic, within proper limitations; that with such limitations it might be made to conduce, as it was intended, to the convenience of the public. Nor could he see that it was just that those who, from the circumstances in which they were placed, could at their own convenience and at their own time enjoy in moderation such a supply of wine and beer as they might think necessary from their own well-stocked cellars, should seek to bar the poorer man from that which was his only representative of the cellar—the public-house. Therefore, it was that though he had always voted for the second reading of the Permissive Bill, inasmuch as it embodied, and because it embodied, the principle of local option, which he thought a right principle, he had never hesitated to state that he believed the extreme to which some of the promoters of that Bill would go for the total suppression of the liquor traffic, was un-English, arbitrary, and never likely to be carried into effect in this country. Therefore it was that he was able to give his support to the measure which had now been so ably introduced by his hon. Friend, because he believed it to be moderate and just, and because it was one which from the soundness of its reasoning, the justice of its conclusions, and the correctness of its principles, ought to commend itself to the judgment and approval of all right thinking men in this country. What did this Bill propose to do? It proposed to make no change whatever in the licensing law as it stood at present, except that it proposed to transfer the power of dealing with licences from the magistrates to an elective Board. He

should be the last person to suggest that the magistrates did not carry out their duty now to the best of their ability. On the contrary, he believed that under circumstances of great and almost unparalleled difficulty they did in the main administer that power which was entrusted to them impartially, and for the benefit of all. But the question was not as to the spirit in which they administered the law—the question raised by this Bill was, he took it, whether or not they were the people of all others who were best calculated to understand the wants of the community, from their knowledge of their wants and necessities. That was the principle which lay at the root of the demand which had caused the introduction of this Bill. The magistrate, as had been already said by his hon. Friend (Mr. Cowen), was in some respect the person of all others who was least suited to know from personal experience the evils and horrors of drunkenness. He lived, it might be, in his pleasant residence, far removed from the slums and narrow lanes of towns. Vice came before him never except in the shape of the prisoner in the dock. But what was the position of the ratepayer, whom it was proposed to entrust with this power? In every particular his position was the very reverse of that of the magistrate. He lived in crowded neighbourhoods; he had often thrust upon him without his consent a public-house where there was no necessity for one; he knew from experience the great pecuniary loss of having his property depreciated in value, and the moral loss of having his family, his servants, and his children exposed night and day to the evil example of foul language, blasphemy, and all the evils of drunkenness. Therefore he said it was absurd and anomalous that the dealing with this question, which was thoroughly and entirely a question of the wants and necessities of the people, should be left entirely to a class who, from their circumstances, whatever might be their virtues, could have no knowledge at all of the requirements of the case; and this was one of the greatest, if not the principal, argument in favour of this Bill. But there was another matter in which the present system had evils which could not be hidden; and that was, that in the whole question of the renewal and transfer of licences the

people who were principally concerned—the ratepayers—were absolutely unrepresented. They had no voice in the matter. At brewster sessions and on other occasions when licences were dealt with, the whole matter was treated as though it concerned two classes alone—the publicans who received and the magistrates who granted the licences. The ratepayers who were vitally concerned—for whose conveniences these licences were supposed to be granted—the people on whom fell the whole burden of the evils of drunkenness—were absolutely ignored and left out of the question altogether. [“No, no!”] Well, he dared say it would be left to some speaker who might follow him to show in what respect that was not the case; but it appeared to him to be so. There was a certain amount of representation he knew, but what did it amount to? Why, the arguments of the hon. Baronet the Member for West Sussex (Sir Walter Barttelot) were in themselves the very best reply to that. He argued that the present system, though it would admit of improvement, was practically sufficient for the purpose; and what did he say? That public-houses had diminished and that licences had decreased in number; but he never contested the fact that in spite of all that which might be attributed to the happy results of magistrates’ efforts, crime and misery, and especially such crime and misery as were directly traceable to drunkenness, had increased in the large degree given in the figures quoted by his hon. Friend (Mr. Cowen). He (Sir Henry Havelock) did not hear him attempt to contradict that. It remained for him to show that his arguments did not answer themselves on that point. It was, then, an open question; but they did believe, and their belief was supported by a very large majority of thinking men of this country, that the best way of dealing with that question would be to put it in the hands of the people principally concerned. He admitted that that was experimental; they went from experiment to experiment in all those matters, but they had heard nothing adduced from the other side to disprove their view. One objection which had been made with considerable force was that their proposal would increase the number of elective Boards. No doubt that might be the case. The elective Boards had been enumerated,

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and their number was considerable; but he would ask those who used that argument whether they supposed that any one of the existing Boards could be competent to deal with this matter? Would it be desirable, for instance, to put the question of licences in the hands of the School Boards, or of the Local Boards of Health, or of the Highway Boards; or, though last not least, in the hands of the Burial Boards? He thought it had been proved to demonstration that if any amendment were required in this matter, and if it was desirable that the power of dealing with this question should be transferred from the present hands—a point for which there was a popular demand—then it was also true that if it was to be dealt with by different hands it must be by Boards specially formed for the purpose. Should this Bill be passed into law it would remedy a grievance of very long standing. They hoped that before long they might have County Boards formed; and, when that was the case, he did not see why those duties should not be transferred to them; but for the present separate Boards should be formed, and then when the County Boards were formed they would have valuable experience already gained for them to go upon. Another objection which had been made by the hon. Baronet the Member for West Sussex (Sir Walter Barttelot), struck him as a very peculiar one. He objected to this power being transferred to other hands because he wanted to know whether the Boards would have the respect of the public. But he (Sir Henry Havelock) thought the very fact of their being selected for that serious and responsible duty by large majorities was an evidence that they would be respected. The hon. Baronet asked also whether their position would be such as was desired, but their selection by their fellow-citizens for such a position was an evidence of that. It would be quite as good an evidence of their power to deal with this question as the nomination of a magistrate whose appointment was made without any selection whatever. Then, it seemed singular to him that the hon. Baronet should be wrong in his facts as to these rating Unions, for he was unaware of the fact that the rating Unions extended into more than one county, and were partly urban and partly rural, but dealt with common

funds. [Sir WALTER BARTTELOT denied that he had so stated.] Then there was another objection against these Boards, and that was as to the expense of them; but he did not think that that expense would be very large. His hon. Friend (Mr. Cowen), who had worked longer than himself in this matter, had fixed the limit of the expense, and it was very trifling. He (Sir Henry Havelock) thought that probably his estimates and conclusions in this matter were correct—at all events there could be no question that, if in a small degree they should succeed in reducing crime, in reducing drunkenness, and in reducing police and prison charges, the expense of these Boards, even if three-fold more than was estimated, would give a very large balance to our benefit. The hon. Member for South Leicestershire (Mr. Pell) said some things which he heard with considerable regret. He thought when he spoke of the possibility of leading members of these Boards being locked up at the time they might be wanted he betrayed a levity, if he might use the term, which contrasted painfully with the gravity, the solidity, and the force of the arguments adduced by his hon. Friend (Mr. Cowen) in support of the Bill. This, no doubt, was an exceptional measure; but the Bill was brought forward in response to the earnest desire of men who had given attention to this question for many years past, who knew the facts, and who, while being desirous of doing full justice to the merits of the magistrates, told them plainly that no solution of the question had yet been arrived at, and no means devised for dealing with drunkenness in its worst forms. It was sometimes said—he (Sir Henry Havelock) would not say with what truth—that there was a sort of natural alliance between the Conservative Party and the publicans. He did not think that need be the case; but, at all events, there was now an opportunity for the Conservatives to show how hollow and baseless was the charge, and that in this matter they were above all Party considerations, and had at heart only the true interests of the country. He thanked the House for the patience with which it had listened to him. His only excuse for intervening was that in his borough, he believed, the question was originally initiated. He knew that at large and crowded meetings, where the alternative

claims of the Permissive Bill and some such measure as this had been discussed, there had been a considerable preponderance of opinion in favour of the measure now proposed. It had its objections, certainly, but he thought it also had advantages which had been well stated, and which deserved more consideration than they had received from some of the speakers on the other side. This sad fact, at all events, remained: that up to the present time nobody had been able to devise means of dealing effectually with drunkenness, which was the moral canker of the country; which was paralyzing their vast industrial energies; which was extending its ground, and which, unless some means were taken to check it, would continue to lower the moral standard and social tone of this great country.

MR. WHEELHOUSE said, that in rising to oppose the Bill he thought it desirable, in the first instance, to clear away one or two fallacies which had been imported into the question by hon. Members opposite. In the first place, he maintained that this Bill, wherever it might be put into force, contained within itself the very worst and most objectionable features of the Permissive Bill. If it were right to place in the hands of the ratepayers, and of the ratepayers alone, the power with which this Bill sought to endow them, who would be safe from the most unreasonable and unreasoning form of election that could possibly be imagined? He had never approved of the method of election involved in the Municipal Corporations Act. He thought it was wrong *ab initio*, and it remained wrong now; and so long as that statute continued unrepealed it would stand out as a grave error of legislation. The same objection prevailed, with even greater force, against the present measure. If ratepayers, as distinguished from both owners and inhabitants generally, were the only persons to be called upon to elect members of the proposed licensing board, that would have the effect of excluding what he called the better element in almost every one of our large communities, and would undoubtedly take the matter out of the hands of a very large body of the population. Nobody in that House had any desire or wish that temperance, reasonably carried out, should not have its full strength, its full influence, and its full

effect in the country; but temperance did not mean teetotalism, and he knew no body of men who were more intemperate, at all events in their language and in their views, than teetotalers were; but if this Bill became law, a contingency of which he was happy to say there was no probability, it would provide that while teetotalers might by the manipulation of an election be put upon the licensing board, every brewer, licensed victualler, and maltster, who entertained different opinions was to be excluded from a seat on the board. Was that fair or even reasonable on one side or the other? Indeed, would it not be certain to provoke the worst passions and call out, in all probability, the most riotous elements of a contested election? But that was not the only point, for no distinction whatever was made between counties and boroughs. Some hon. Gentlemen, and even the proposer of this measure himself, went so far as not only to mix up counties and boroughs, and county and borough representation, but they confused them as well as mixed them up; for he saw that it was provided by one section of the Bill that the area should be precisely the same as it was now for Poor Law purposes. In the borough which he (Mr. Wheelhouse) represented there were no less than four areas for Poor Law purposes; and one of them having lately been extended, took within its limit a large number of out-townships in the county. What was to be done with the licensing board under such circumstances as these, since the borough authorities had no jurisdiction in the county, nor *vice versa*? They had been told that day that drunkenness was considerably on the increase. He gave his emphatic denial to any such statement, at least with regard to England. He believed it to be on the decrease, and it was of course the interest of every one of the community to use every means to assist in its abatement. He (Mr. Wheelhouse) had heard this allegation about the increase of drunkenness iterated and reiterated, but that did not make it any the more true. No reliable evidence could be adduced in support of it. On the contrary, he asked them to go into the large towns of the country, into the great centres of industrial activity, into places where the people mostly congregated, and they would find, if they took the trouble to

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inquire, that drunkenness was constantly on the decrease there, and for the best of all possible reasons, the drunkard could find no one to employ him. He found, moreover, that by the machinery of the Bill they were to have yet another election. They had now, as it was, elections almost innumerable, and the rage for elections was still so great that they were threatened with being eaten up by elections of one kind or another. The so-called advocates of economy in that House were always saying—"Cut down expenditure;" but they found that on all questions of this kind those same "economists" were always the very first to cry out—"Tax the people," "Throw it on the rates," "It is a public question," "They will bear it," and so on—nevertheless "by all means you must at the same time cut down your expenses." He merely dealt with questions of this kind in a plain, practical, conscientious manner, and he trusted from a common-sense point of view. How many elections had we now? We had school-board, local-board, burial-board, and other elections. He did not know what was the cost of school-board elections, borough or district ones; but he believed it was very great. He did not know either what the cost of local-board elections was, but he knew it was very large. He did, however, know what the cost of an election for an enormous borough constituency was, and it was by no means small; and still they were now asking again to throw upon the shoulders of the ratepayers an election—for what? Merely to take out of the hands of the justices—a class of gentlemen who, he believed, whether in the counties or the boroughs, formed a most impartial tribunal—to put into the hands of a body of men who should be elected once a-year, or every two or three years, subject to all the vicissitudes of change in the feelings and in the ideas which permeated our town council and ward elections, and were, he ventured to think, the worst forms of elective bodies that ever were maintained. That was not all, by any means. They were told they were also to give power by this Bill to appoint clerks and officers, not merely almost without limit, but according to the views of the board when it should be elected. This was an expense which, he thought, ought not to be put upon the ratepayers, and he trusted they

would hear no more of it. He did not look, however, only at the matter of cost, serious as that was. He looked at the effect which, perpetually recurring elections for this purpose would have on the community. He looked at the almost constant bickerings to which they would give rise, and which it was assuredly wiser to allay than to foment. He looked, also, at the fact that there was a particular class of persons who made it their business to stir up questions of this kind continually, and he felt there was no other course open to the House but to reject this Bill. These boards, as proposed, were to consist of from five to 21 members. In the case of a board of five members, with a quorum of three, the chairman's casting vote would decide on questions involving the domestic convenience of an entire locality. And in a case where a quorum of three attended, two of whom were teetotallers, the same result would happen, and the licensing or the non-licensing power would be vested practically in one person. To that provision he offered his strongest opposition. It might be said that that could happen only in a sparsely populated district. That might be so, but the fact proved his case. *Exceptio regulam probat.* If they went into large and populous districts, he wanted to know where they could get a board of 21 members who could more satisfactorily perform their duties than the magistrates to whose hands they were now entrusted? They would have a great and cumbrous board, elected probably in a manner anything but satisfactory, instead of a body averaging nine magistrates, competent to do the work impartially, and upon the whole efficiently. To such a board, however, those powers were to be transferred from the justice of the peace. The election of the board would be by cumulative voting, to which he entertained no very strong antipathy *per se*. He took, however, a preliminary objection, and maintained that there should be no board and no election; and as the present licensing boards, whose decisions were reviewed by the confirming committees, were amply sufficient to deal with the questions referred to them, the turmoil and contention to which the elections would give rise would far more than outweigh any good that could possibly result from them. At present, was there any distinct allegation that the

justices did not do their work thoroughly well? The only complaint he heard made of them, was that sometimes they were too restrictive in their action. All through the North that was the opinion that was commonly pronounced upon them. He much wished that the old course of legislation on these questions had never been departed from. Was it quite clear that the innovations caused by grants to wine sellers and grocers had not given rise to much which did not proceed from the licensed victualler; but for which he was most unjustly made to bear the whole of the blame? When they looked at the character of this Bill, they would perceive that it did not reveal any purpose of doing real good but that it proceeded on that everlasting Radical intention of "doing something or other." Every one of these boards was to be an utterly irresponsible tribunal. According to the Bill, the moment a board was formed—and it was to be formed compulsorily—there was to be no appeal from its decisions, though they might be come to by the casting vote of one person in the manner he had described. Was there any justice—was there any reason in that? And what was sought to be done was (as he had said before) simply to put into the hands of an irresponsible board that which was now in the hands of gentlemen, and reasonably and satisfactorily performed by them. Then the entire cost of these boards was to be guaranteed out of the rates. Provided they could satisfy some competent tribunal that they had acted in conformity with the powers given them under the Act, the ratepayers would have to indemnify their members for any costs and damages in which they might be cast in an action at law. The inhabitants, therefore, were not only to be saddled with the expense of the elections, but any member of these boards was to be indemnified for an act of his, no matter how wrong-headed or how stupid it might be, provided it turned out to be in accordance with the Act. Could anything be more objectionable than that? He was quite aware that there was a class of persons which was constantly talking about the trade of a licensed victualler as if it deserved nothing short of utter annihilation; but he was quite sure the day was far distant (if, indeed, it ever should come) when such an extreme view would find acceptance either in the country or in that House. In addition to what had been said with regard to this Bill, he was somewhat amused by a statement made by the hon. and gallant Gentleman the Member for Sunderland (Sir Henry Havelock), in which he rather assumed that his hon. Friend the Member for Leicester (Mr. Pell) was afraid somebody might be unable to perform his duties because he might be imprisoned during his term of office. He found that the provision was not introduced by his hon. Friend the Member for Leicester, but was in the body of the Bill itself. In Section 29 it provides, in the language of the section, at the instance, he supposed, of the hon. Member for Newcastle himself, that in the event of any member of the licensing board. . . . "being punished by imprisonment for any crime, he shall cease to be a member and his office shall thenceforward be vacant." Does that not show the Bill to be cumbersome? If a magistrate were convicted of crime, we know perfectly well that his seat would be vacated. An elected member of a board was just as unfortunate; but in that case he was to be gibbeted again, after his punishment for the offence he had committed, before the whole world, because he had done something, was convicted of a crime, and suffered imprisonment. What about that state of things? They were told that this licensing board, when constituted, was to be an utterly irresponsible tribunal; whereas, at present, if justices did wrong, their decision, generally speaking, in all such cases, could be appealed from in the Court of Quarter Sessions. In the old Act they knew that under the licensing laws of George IV. that appeal was granted. Justices, if doing wrong, might be set right, and, surely, that was fair, and just, and reasonable; but under the proposed Bill the moment there was a board formed there would be no appeal from its fiat; that decision was to be final. Was there either reason or justice in such a state of things? One man might harass the whole trade of an entire county or province. He hoped he had now shown the House that such an attempt was utterly unreasonable. If any one looked at this Bill, to see to what extent it was proposed to lead them—he did not care in what light they regarded it, the House could not fail to find it so

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thoroughly impracticable that whether it emanated from Sunderland, or whether the honour of its birthplace were accorded to Newcastle-on-Tyne, or, indeed, wherever it came from, he, at least, hoped it would never find a foothold for a single day in the House of Commons.

MR. E. JENKINS said, that, with the permission of the House, he should like to state the reasons for which he supported the second reading of the Bill, and, at the same time, to make a few observations upon the speech of the hon. and learned Gentleman who had just sat down. This was the first time he had taken part in any debate in the House upon this subject; and therefore he desired to say that he felt the present position of this question to be such—and such the state of ideas as to the remedies which were necessary to meet the terrible position—that it only remained to those who, like himself, were anxious in some way or other to meet the evils that existed, to support any and every proposal which appeared to give any possibility, however remote, of leading to a practical solution. But with reference to the Bill immediately before them, he might say that his objections to it would not be such objections as had been urged by the hon. and learned Gentleman (Mr. Wheelhouse). They would be that the Bill did not go far enough to meet the terrible and portentous evils which existed. If they analyzed the speech of his hon. and learned Friend they would find that he fell back upon the true old Conservative principles. In the first place, he denied that any evils existed—[MR. WHEELHOUSE: No, no!]
—in the second place, he denied that there were any persons who perpetuated those evils; and, in the third place, even supposing the evils to exist, he objected to placing in the hands of the people the control of the remedy. Here they had exhibited in the purest and most unaffected manner the method of Conservative thought and argument. It was hardly worth while, and it was not necessary in this House, after what had taken place here, and after the significant vote of last Friday, to demonstrate to hon. Members on either side how great were the evils; and he was only surprised to find that even the hon. and learned Gentleman could manage so far to blind himself to the actual facts of the case as to get up in this House and make such affirma-

tions as he had done. He (Mr. Jenkins) did not think it necessary to meet that. He thought the evil was admitted by the action taken by the House, and by the facts proved; and, he might add, the responsibility for these evils were brought home to the clients of the hon. and learned Gentleman who generally spoke as the representative of the publican interest. The main criticisms of the hon. and learned Gentleman simply referred to details of the Bill, which would be much better treated in Committee—they had to join issue with him simply upon one question, and that was as to the advisability of changing the present method of licensing, and of adopting some plan by which a more direct and immediate popular control should be brought to bear upon the granting of licences. When they came to that question, they at once saw what a difference there was between the view that the hon. and learned Gentleman took of the state of the matter and that which we took. He said that in granting the power to the ratepayers by popular election to select those who were to grant these licences, they were excluding from representation the interest which was most concerned. But what he (Mr. Jenkins) wished to point out was that there was a certain fallacy in that argument; because he did not look upon the publican interest as he did upon the other interests of the community. He looked upon it as an exceptional interest, demonstrated to be in the main not in harmony with the general interest of the community—nay, which was hostile to those interests. If they were to look upon it as they did upon other interests—if it were the agricultural interest, or the shipping interest, or any interest of that sort, which had its footing upon the same basis as other classes and interests in the country—the case would be different: but it was admitted, by the exceptional legislation which this House had adopted with regard to it, that it was an interest which did not coincide with the general interests of the community—that it was an interest to be exceptionally treated; and therefore he did not acknowledge the force of the argument used by the hon. and learned Gentleman against the principle of popular control by that particular point. He (Mr. Jenkins) said that his objection to the Bill was that, in his opinion, it did not go quite far

enough. He must confess he should have preferred some Bill intermediately between the Bill of the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) and the Bill now brought forward by the hon. Member for Newcastle (Mr. Cowen). But he thought it must be admitted that the question had arrived at this position: that it was found that that body which had been so lauded by the hon. and learned Gentleman opposite, which now had the power of granting licences, had done its work so inefficiently and so little to the benefit of the public—[Mr. WHEELHOUSE: No, no!]
 —When the hon. and learned Gentleman said “No,” he would ask what he thought of a body which in Salford licenced one public-house to 134 of the inhabitants—whether he thought that was a body entitled to the confidence of the public? He would ask him whether he thought that in over-supplying a district with the means of intoxication in the way in which they were over-supplied in Liverpool, in Salford, in Manchester, and in innumerable towns throughout this Kingdom, they had sufficiently won the public confidence by the method in which they had discharged their functions? They went a little deeper than that, and they said this was one of those questions in which they might properly ask that there should be popular control. Who were the men most concerned in this matter? Was it the publican who made money out of the people, or was it the people for whose benefit the publican was established? Surely it was the people who were to enjoy the benefits of a State-established bar who ought to have something to say with regard to the number of licensed houses which are to be supplied. They came down to this point—that as it was the people who were most interested in the establishment of these houses, so it was to the people that the right should be granted by saying how many of these houses there should be. And here he might say that he was not disposed to go the whole length with his hon. Friend behind him (Sir Wilfrid Lawson), and allow total prohibition in every locality of the sale of intoxicating drinks. They must reserve the rights of minorities: but they could be reserved in a way, as he believed, consistent with the public interest, and yet in a way which would be consistent with the

establishment of this most important principle contained in the Bill—the principle of popular control; and because that was the main principle of the Bill, and because he believed that upon that principle, however developed, this question was to be settled, that he intended to give his vote with his hon. Friend the Member for Newcastle.

MR. W. S. STANHOPE, in opposing the second reading, said, it had been stated in the course of the debate that the Bill chiefly affected the boroughs; but he had looked through the Bill and he could not find the word even mentioned. But he wished to look at the Bill from a practical point of view; and, first, he would ask what were the objections to the licensing authority, and whether any improvement was likely to be effected by the proposed change. The hon. Member for Dundee (Mr. Jenkins) had complained that in certain places too many public-houses had been licensed. But the hon. Member forgot that up to 1869 the justices had very little control over the number. The chief question that arose on the licensing day was not whether an additional licence should be granted, but whether certain beer-houses should be brought under the more immediate control of the magistrates by granting spirit licences to them, and up to that time beer licences were granted by the Excise, without any reference to the requirements of the district around. He thought a more reasonable objection to the present system would be against the present largely-increased facilities given for the sale of spirits by grocers and wine-licensed tradesmen. Much more drunkenness was occasioned by the sale of spirits than by the sale of beer. The Act of Lord Aberdare provided for the appointment of a licensing committee of the court of quarter sessions, and he believed the proceedings of the licensing Committees had proved most satisfactory. The magistracy in counties were appointed by the Lords Lieutenant of the counties respectively, who would select them on account of their general fitness, and in pursuance of the Act of 1872 the licensing committees were selected on a broad basis, irrespective of politics. In boroughs the election of magistrates was in a larger degree determined by political considerations, but as the Lord Chancellors for years

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past had been, in general, members of the Liberal party, hon. Gentlemen opposite ought not to have much now to complain of them. If it were desirable that the elective element should be introduced he was willing, but he should like to see the change made on the old foundations. He should not object to a licensing committee composed partly of magistrates and partly of ratepayers, as he had known such a mixed body work extremely well during the cattle plague. The bill proposed that every Union should be made the area of an electioneering contest every three years. Hon. Members opposite appeared to be quite mistaken as to what the effects of that would be. In the first contest the Temperance and Permissive Bill party from their superior organization might have the best of it; but their restrictive measures would have the sway only for a short time. The pressure of the temperance party, which was not, after all, very temperate, would be found intolerable, a reaction would follow, and at the second election the publicans might gain the day, and there would be free trade in licences on every side. Therefore, even if it was desirable that the ratepayers should have more influence, the mode proposed by this Bill was the worst possible that could be devised for bringing it to bear. He would not enter into the subject of increased cost thrown on the ratepayers, as the hon. Member for Leicestershire (Mr. Pell) had very ably dealt with that point; but he would only point out that it was from the opposite party that proposals for increasing the burden of local taxation were always made without any circumstances to render it necessary, though they were also the individuals who extolled the virtues of economy, and who made retrenchment their cry. There were many practical objections to the working of the Bill which he could easily anticipate; and one of them was that these Boards being made subject to the Home Office would often find themselves involved in conflict with the Poor Law authorities, and no Home Secretary would very much care to be charged with the duty of reconciling their differences.

SIR WILLIAM HARCOURT said, that the great question was whether the existing system was hostile to the public welfare. If it were, why endure it? If

not, why restrict it? Now, as it seemed to him, the trade was licensed because it was deemed to be beneficial, and it was restricted for the prevention of abuses. The restrictions were imposed because a monopoly was given, and those restrictions were all in favour of the public interest. Of course everybody was prepared to denounce drunkenness, but in this case there was very often exaggeration. Then what constituted drunkenness? As to the outward and visible signs of drunkenness, he saw much less of it in the streets of London than when he first came to the metropolis. Crime and pauperism were not on the increase; drunkenness he had believed to be the great cause of crime and pauperism: then, if crime and pauperism were not on the increase he inferred that drunkenness was not on the increase. He drew from the fact of the diminution of crime and pauperism that there was a diminution of drunkenness. But the question was, was this Bill better as a remedy than the existing state of things? Would this Bill tend to a diminution of drunkenness? What effect would this Bill have on the boroughs? He could not conceive a more direct incitement to corruption and contention than such a measure as this. The hon. Member for Dundee (Mr. E. Jenkins) asked how could magistrates appointed under the present system be expected to do their duty in granting licences, considering the manner of their appointment? Had he considered from what class the licensing magistrates in boroughs were generally taken? Why, they were generally selected from members of the town council—a body elected by the ratepayers—and these men retained their appointments under successive Governments. Generally speaking, it was rarely that a borough justice did not owe his appointment to popular election. But a question of this kind could not be settled on such grounds. He would ask any man to consider for himself what would be the character of an election for a licensing board? How would it be conducted? There would be great excitement and corruption of every kind; you would have the pecuniary interest of a particular trade engaged on the one side, and their opponents on the other. It was impossible to have such an election conducted without excitement and corruption. Would

not all the publicans, feeling their fortunes at stake upon the issue of such an election, spend their money and distribute their beer to promote their own cause? Would not the supporters of the hon. Member for Carlisle (Sir Wilfrid Lawson) act in a similar spirit to advance a cause which they believed so just? At all events, this was a question above all others respecting which there was the greatest temptation for agitation and corruption, directly influencing the community in the most prejudicial way. That was simply the ground on which he could not support the Bill. If the Bill were enacted it would create more drunkenness during an election than it could ever put an end to. It would offer a temptation to a powerful party to make the whole of the electors drunk for one month in order to make them sober for the other eleven. Every publican would open his house and invite the ratepayers in, and say, "Vote for the present system." How could you expect him to do otherwise? He had great pecuniary interests at stake. The hon. Member for Newcastle (Mr. Cowen) said he was prepared to sacrifice everything for the great principle of popular representation. But we were not suffering from any defect of popular representation in this country. The attention of Parliament was constantly occupied with all kinds of popular questions. We had municipal elections, school boards, religious questions, and now a new element was proposed to be introduced—a licensing board. Did anyone think that a more popular system of representation than the present could be found? The licensing magistrates were men brought into public life by popular election, and appointed and retained by successive Governments; could a Board be composed of more popular materials on any other system? The advantages of the proposed system were not apparent, the disadvantages were as clear as noon-day. The Bill would create great excitement and confusion, turning on the question of beer every November. The sole end and object of the election must be beer.

SIR WILFRID LAWSON: Sir, I do not share the horror which has overwhelmed my hon. and learned Friend (Sir William Harcourt) who has just sat down at the bringing in of this Bill. On the contrary, I am exceed-

ingly glad that this House is now beginning to turn its attention to what I consider to be useful and practical legislation. I was getting very much tired of the subjects we have been discussing lately. I am glad we have got out of the mud of the Suez Canal, the mysteries of blending Irish whiskey, the curiosities of the Royal Titles debate, and Central Asia, and matters of that kind, and are now discussing a Bill brought in by my hon. Friend (Mr. Cowen), which is intended to do something to increase the happiness of the people of this country. [*Laughter.*] Well, hon. Members seem to laugh when I say this Bill is intended to produce happiness to the people of this country; but I presume that that is its object, and that it ought to be the object of all our legislation in this House; and with the object which this Bill ostensibly sets before us—that of reducing intoxication in this country—we are all agreed. I am perfectly sure that everyone who has spoken has said that—why, I think even the hon. Member for Leeds (Mr. Wheelhouse) said he was a great enemy to drunkenness. I remember there was a meeting in the winter of some association in Leeds, and he wrote a letter, and said at the beginning of it—"No one hates drunkenness more than I do"—and, strange to say, his constituents received the announcement with roars of laughter. But the question is not, I venture to say, to-day, whether drunkenness has increased or not. We might argue till 6 o'clock on that matter without coming to any satisfactory conclusion. I think it is bad enough, whether it has increased or not—and individual evidence does not go for much on that point; even the evidence of so good a witness and so admirable an advocate as my hon. and learned Friend the Member for Oxford (Sir William Harcourt) does not weigh very much in the matter. He told us that he did not see many people drunk when he walked about the streets. What streets does he walk in, I should like to know? It all depends upon that. There is a very old story told of Dr. Johnson that he said he went through Scotland without seeing a tree; but that was because he kept the blinds of the carriage down. Some people do not see drunkenness in this country because they take care not to look in the right place. It is bad enough, both in Eng-

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land and in Ireland. I was reading in a newspaper the other day what a man saw in Dublin on a Saturday night. He said he walked with the police down a place called Bride Street. He described the horrible state of the evil of drunkenness, and he said to the police—"Do you take up everybody who is drunk?" The policeman said—"Sir, if my Superintendent and I were to draw a rope across the street and sweep the whole street before us, I do not think we should have caught many people sober enough to tell us that they were not drunk." Surely that is a state of things which in any civilized country should cause horror in the mind of any man, even of my hon. and learned Friend the Member for Oxford. It causes much more horror in my mind than the introduction of this Bill. The evidence on all hands ought surely to satisfy us that the Bill is needed. We had the opinions of the Irish Judges quoted the other night; and if you choose to read the remarks of the English Judges when on circuit you will find they give evidence equally strong that drunkenness causes the greater amount of crime and wickedness in this country. Then the question arises, is nothing to be done at all? We have had two Governments which have tried their hands at reforming these licensing laws. There was the late lamented Liberal Government. Well, Mr. Bruce, the present Lord Aberdare, did his best. Then came my right hon. Friend whom I see opposite, and he did his worst: and both Parties, and the leading men of both Parties, having tried their hands at it, I suppose, looking at it simply in a political point of view, we are to be told, both on that side of the House and on this, that we may now sit quiet as there is nothing more to be done. But I am happy to say that is not the opinion of the country; whatever we politicians may think sitting here in the calm and security of this House, that is not the opinion out-of-doors. I do not know whether hon. Members noticed a very remarkable circumstance that took place last week, when a memorial was presented to the two Archbishops of the National Church, signed by upwards of 7,000 of the clergy of this country, calling the attention of those Prelates to the evil state of things in this country, and urging them to do something or other, and, I am happy to

say, giving a pretty straight hint at the end of that memorial that the Permissive Bill was the proper thing to do. What did the Archbishop of York say only a few days ago? I must mention this, because during the latter part of the debate there has been an attempt to minimize the evil, I think, by some of the speakers. He said in Westminster Abbey, only the Sunday before last—

"And was it to be supposed that all this flood of poison"—as he called it, using much stronger language than I dare do—"left England and the English race where it found them? If so, then physiology might as well burn all her books, and religion admit that her first premises were unsound."

That is pretty strong language from one of the heads of the National Church. And then what does my hon. Friend propose in this Bill? It is a very simple change, I think. He says—

"Trust the people who suffer from the evils which arise from these places where drink is sold—trust the people to say whether they will have them or not."

Surely these places where drink is sold are set up for the good of the people—if they are set up for any other purpose, then it is a sin and a crime. Surely they are set up for the good of the people, and you who have been elected by the people might surely trust them to come to a decision in such a small matter as this. Sir, this is not the Permissive Bill—I wish it was—but it is very like it. What I have proposed in this House at different times—perhaps I may be allowed to propose it again at some future time—is simply that the people shall have a veto on the granting of licences by any authority which may be appointed to grant licences. I think that it is a simpler plan than that of my hon. Friend. I know it has been very greatly opposed. It is very difficult to fight against the powers that be—against vested interests; it is very difficult to fight against that great power whom my hon. and gallant Friend (Sir Walter Barttelot) described—the interest of the licensed publicans—the other night as men who were as respectable, as industrious, as honest as any other class in the community. That is my point—they are too industrious. But, although I have suggested a way of attacking the evil, I am not going to find fault with my hon. Friend for bringing in a similar Bill, which runs on rather different lines. I hope I shall

never be so bigoted as to reject what is good in any one else's measure because I do not think it quite so suitable as that which I have ventured to propose; but, as I am speaking on the Bill of my hon. Friend, will he allow me to point out one or two defects—although they have already been pointed out? I think that it will be unnecessary to elect these boards which he proposes all over the country in certain parts, because there you have already the benefit of prohibition. You have these parishes and districts where there are no public-houses, and there you have the greatest comfort and the greatest blessing arising from that state of things; and I do not see why my hon. Friend should set them to work to elect Licensing Boards when they have all the blessings of being without licences already. I quite admit that there is force in the arguments used by Members on the other side against this Bill. There would be a good deal of confusion, perhaps, and conflict, in electing these boards—although not nearly so bad as an election at Oxford, which my hon. and learned Friend seemed to have in his mind when he spoke of the danger. There will be a certain amount of confusion, perhaps, and the thing may resolve itself into a fight between the Good Templars and the Good Tipplers; but, even if that should take place, my hon. and learned Friend need not be so much alarmed. It would only come once in three years; whereas the existence of these drink-shops creates confusion, tumults, riots, murder, and misery every night in the year throughout this country. Although, Sir, I greatly prefer my Bill—the simple veto, making no change whatever in the licensing authorities, making as little alteration in the law as possible—though I greatly prefer that, and shall have the opportunity of advocating it soon—still, I cordially support this Bill of my hon. Friend, which is more ambitious, more comprehensive, more extensive than mine, but which, I hope, if carried out, will prove equally useful. I do rejoice very much at this debate, and at much that has been said in it. I think the hon. Member who spoke last but one, representing one of the divisions of the great county of York (Mr. Spencer Stanhope), said, and said truly, that no question at the present day was exciting so much interest as this question of how

we are to promote the temperance of the community; and, if the House will allow me, I will refer to what has taken place at elections lately, and I will mention instances of Gentlemen sitting on both sides of this House who have found that what the hon. Member stated in his speech just now is perfectly true. I do not see the hon. Member for East Aberdeenshire (Sir Alexander Gordon) in his place. He sits on the Conservative side—oh, I beg his pardon, he is there—he will correct me if what I state is untrue. I am informed that at the election he declared to those whose votes he was soliciting that he was in favour of this principle of local option, which is embodied in the Bill of the hon. Member for Newcastle, and the consequence was that, although a staunch Liberal politician opposed him, he was himself considered Liberal by the people of Aberdeenshire, and there he sits to represent them at this moment. Turn to this side of the House, where is my hon. Friend the Member for Manchester (Mr. Jacob Bright), lately returned amongst us? He can tell us, if he speaks, what was the most absorbing question at his election, and who worked the hardest for him—the men in favour of local option. The same at Burnley. Well, I was taking part in an election the other day in which my right hon. Friend the Judge Advocate was interested, and I know he made a speech there—not in my presence, but in my neighbourhood—in which he said that he had been for 20 years electioneering in that county in which the election took place, and he could say from his own knowledge that there was no question which interested people so much as that question which we are now discussing—the question of giving the people the power to get rid of these places which afflict them so much. And to come to the very latest election that has taken place in the United Kingdom—I am told that both the Liberal and the Conservative candidates for West Aberdeen the other day declared that they were in favour of this principle which gives my hon. and learned Friend the Member for Oxford so much horror and despair. It seems to me that the time is approaching when this matter, having taken hold of the hearts and the minds of the people, will produce some great changes. I believe that slowly and surely there is forming in this coun-

Sir Wifrid Lawson

try what I may call a party of national sobriety who say that they will put that before everything else—that they will make that the first question in their political creed; because they hold that Mr. Cobden was right when he said years and years ago that the temperance question lay at the foundation of every social and political reform. And I am quite confident that even in a party point of view the day is coming when that political party which declares in favour of the public as against the publicans will obtain the greatest amount of support in this country. I wish my hon. and learned Friend the Member for the City of Oxford (Sir William Harcourt) would take the lead of that party. He has two favourite subjects in this House—namely, orthodoxy and intoxication. I am sometimes inclined to think that he might be called “The Lord Protector of Protestants and Publicans.” I wish he would take up this question, because I am satisfied that whatever party—whether it be on that side or on this—shall first take it up will find that it will consolidate their own power, redound to their credit, and in the end confer great blessings on the people of this country.

MR. HENLEY said, that before he saw the names on the back of that Bill he formed the opinion—which he had not got rid of—that it was intended to increase drinking, for he was certain that the Bill instead of decreasing would very greatly increase drunkenness. The Bill provided a succession of elections; and he had never yet known elections in which the quart pot had not come into free play. The end would be that the question would become a struggle between the saints and the sinners, and between the two the public interests would be sacrificed, the one party trying to make the people all teetotallers, and the other to make them all drunkards if they could. He did not believe that drunkenness depended on the number of public-houses. For instance, in the Midland and Northern police districts, it was shown that drunkenness existed in an inverse ratio to the number of public-houses. The real cause of intemperance in this country was that the humbler classes, stimulated by the high wages given them in order to make a profit from their labour, were led to work beyond their strength, and conse-

quently took to drinking to recruit themselves. If they drove a horse for 15 miles continuously along a road they would find that they could not keep it from the water trough unless they tied up its head. So if they still drove the working classes at the rate they were now doing, they would not diminish drinking.

MR. PEASE thought the House would come to the conclusion that the state of things in the county of Oxford must be different from what he apprehended it was in other parts of the country. Neither the right hon. Gentleman who had just sat down (Mr. Henley) nor the hon. and learned Member for the City of Oxford (Sir William Harcourt) seemed to be able to trust their constituencies of a popular body with their having anything to do with the granting of licences. They were all agreed in one thing, and that was the desire to put down the excessive drinking which took place in the country, and which was such a disgrace, but he must confess that he was surprised and somewhat pained by the speech of the hon. Member for South Leicestershire (Mr. Pell), in which he stated that in his county there was never a church built but a public-house came close to it. He hoped the hon. Member was in jest when he stated that, and not in earnest, and that he did not mean to insinuate that it was a thing which the people of Leicestershire approved of. The two things, the church and the public-house, seemed to him to have very little to do with each other. With regard to the Bill before the House, there had been some criticisms passed upon it, which he thought it would thoroughly bear. In the first place, the hon. and gallant Member for West Sussex (Sir Walter Barttelot) had spoken of the large number of boards existing in the country, and the disadvantage of adding another to the number. Anyone who had any knowledge of those local boards would be aware that there were far too many of them. He himself lived near a country town where there were only 4,000 or 5,000 inhabitants, but yet they had their local boards of health, a burial board, a school board, a highway board, and a board of guardians, and his hon. Friend the Member for Newcastle would add another to the number. That was no argument, however, as to the principle of the Bill. It was a matter of detail

which he had hoped his right hon. Friend opposite would have taken steps to deal with. The local organizations in the country required limiting, for, directly they were established, they had the power of taxing the ratepayers. Were they going on with the creation of those boards, or was it intended ultimately to amalgamate them? This, however, was a matter of detail entirely, whether they were to appoint one board, in districts such as his own, to take all those local matters in hand. The main argument against the Bill seemed to be that while they allowed certain persons to act on the burial board, on the board of health, on the school board, on the highway board, and on boards of guardians, they were not prepared to go a step further and allow them to look after those public-houses. The county which he had the honour to represent, and which he was sorry to say stood very high in the annals of drunkenness, had been referred to, and the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had stated that the drunkenness there was owing to the manner in which men were employed, and that long hours of toil led to exhaustion; but that was not so; it was because that wages at one time ran high, and at the same time the hours of working had decreased, which gave the men much longer time for drinking. Thus there was more drunkenness on the part of the men who were drunken, but the drunkards were a small portion of the men. In that county building societies and other provident institutions had gradually prospered during the time of high wages, but at the same time drunkenness had gone on increasing. It was the fact also that the magistrates in the county granted fewer new licences than were granted generally in the country. He believed they stood lower in the number of public-houses, and higher in drunkenness in proportion to the population, than in any population in the country. But the people of the county generally were in favour of the Bill before the House, and had petitioned extensively in its favour. They said that although the magistrates might have been perfectly zealous in the past, and might have done what they thought right, yet the law should be more stringently enforced and the number of houses limited. The hon. and gallant

Mr. Pease

Gentleman the Member for West Sussex spoke of vested interests. Well, he believed that any board they might appoint would look well after those interests. They knew the publicans as neighbours. They knew their characters, and the character of their houses, and whether they were properly conducted or not, and he had no hesitation in saying that local boards would find out a great deal more about the public-houses and perform the work of granting licences quite as efficiently as would the magistrates, who, as a general rule, might not be so well acquainted with the district and the characters of the people. The hon. and learned Member for Leeds (Mr. Wheelhouse) opposed the Bill because he said it was too much like the Permissive Bill, but he (Mr. Pease) would support it because it was very different from the measure on two points. The first point was that the Permissive Bill placed no power whatever in the hands of the ratepayers of dealing with licences, but said that either all public-houses should exist as at present, or they were to have none at all. The present Bill, however, gave a discretion to the ratepayers. When they came to look at the action of the Bill, he did not think they need tie themselves to the details of the measure, for those might be altered in Committee. For his own part, he thought some of the details would work very badly; but the principle of the Bill was that the representatives of the ratepayers should have charge of those public-houses, rather than the magistrates appointed by the Crown. He believed that the more they confided in local authority the better the law would be carried out. He had great confidence that if they allowed the representatives of the ratepayers to exercise discretion in this matter, it would be exercised very wisely. He would not take away the public-houses altogether, but would make them what they ought to be—houses of call for proper refreshment; and by doing that they would be helping to do away with drunkenness, which they all so much deplored.

MR. J. G. TALBOT said, the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), who had entertained the House with a very amusing speech, said, although he did not like the Bill of the hon. Member for Newcastle (Mr. Cowen) as much as his own Permissive Bill, he

approved of it as a step in that direction. The hon. Member who had just spoken (Mr. Pease) said he did not like the details of the Bill, and yet he was prepared to support it. But what the hon. Member called the details were, in fact, the principles of the Bill. What were they? It was a Bill to disestablish the power of the licensing magistrates, and to establish a licensing board in their stead. The question for the House to consider that day was not whether they were in favour of sobriety or intemperance, but whether they were prepared to take away the licensing power from the magistrates of England, who had exercised with discretion the power imposed upon them by Parliament. The hon. Member for Durham (Mr. Pease) said, the people of the country were satisfied with the magistrates; then why disturb them? but he added that the inhabitants of Durham had petitioned in favour of this Bill. The hon. Member surely knew that there were always persons going about the country getting up Petitions, and that when most people were asked to sign them they did so without knowing exactly what they were signing. He (Mr. Talbot) submitted that there would be no security whatever that the county of Durham would not be a great deal worse off than it was at present if this Bill passed. What, he asked, was to prevent the publicans from bringing their forces to bear upon the electors of such a board as that proposed by the hon. Member for Newcastle? And were the magistrates who had done their work so well in the county of Durham to be removed by a Bill of this sort? For his part he could certainly not give his support to such a Bill.

SIR ALEXANDER GORDON said, the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) had stated that he had promised his constituents to vote for the Bill. He had promised nothing of the kind.

SIR WILFRID LAWSON: I said I had been informed to that effect on good authority.

SIR ALEXANDER GORDON said, he had agreed to support to a certain extent the principle of election of county boards very much the same as had been mentioned earlier in the debate by the hon. Member for the West Riding (Mr. S. Stanhope). He had agreed to sup-

port the principle of the Bill of the hon. Baronet, but not the Bill which was now before the House, against which he would certainly vote, as he thought it would be most injurious.

MR. NORWOOD said, as his name was on the back of the Bill, perhaps he might be allowed, in a very few words, to explain the reasons which induced him to support the measure, especially as during the several years he had been in the House he had never taken part in a licensing debate. His own feeling was to view with considerable jealousy any attempt to interfere with individual liberty in matters of this kind: and he had not yet had sufficient courage to record his vote for the Permissive Bill. With regard to the observation made by a preceding speaker, to the effect that the Permissive Bill and the present measure were identical, he took a very different view of the matter. He could not support the measure of his hon. Friend the Member for Carlisle, because it did not trust entirely to the popular control as did this Bill. It gave the public merely a veto in the issuing of licences, whilst this Bill took a wider and more practical view, and gave general control to the parties most interested—namely, the ratepayers. Representing, as he did, a large industrial town in the North of England, he could say that the question was one daily growing in strength, and was receiving every day more and more attention. It was a peculiar fact that hon. Members who had introduced the measure represented large constituencies in the North of England. It appeared to him that, of all the propositions that had been made as to this question of licensing, this was the most reasonable. What was there unreasonable in permitting the ratepayers of districts to have this power? Was not intemperance a fruitful source of the increase of the rates—of poverty, crime, and insanity? Then as to the proposal to transfer from the justices this power of granting and controlling licences, the Legislature, in other cases, had seen the importance of taking work out of the hands of the local justices. Stipendiary magistrates had been appointed, because it was found that the local magistrates were liable to be influenced by local circumstances. It was, for instance, found in his own neighbourhood, that some magistrates were

too lenient to the seamen, and that some were too much the other way, and that the solicitors who had cases of this kind used to arrange accordingly. Then it was notorious that the power the local magistrates possessed at the Brewster Sessions was used for political purposes. It was said that the plan of the hon. Member for Newcastle (Mr. Cowen) might not work satisfactorily. If it did not, no one was to blame but the people themselves. There was another reason why the Bill should be accepted—namely, that the ratepayers were the only persons who knew the requirements of the districts. Although in the original Licensing Bill power was given to the justices to fix the hours of closing, and in his own borough that power was used satisfactorily, the present hard-and-fast line was adopted in the amending Act. He supported heartily the principle involved in the Bill. The details might not be altogether perfect, but he was sure that the working population of the North of England were determined before long to have this power of control over the sale of intoxicating liquors.

MR. RATHBONE: I entirely agree with the promoters of this Bill in thinking that the mode of licensing is unsatisfactory. I think it indefensible that it should rest with a few sitting magistrates, acting as they have to do with no clear acknowledged principle to guide them, to give away a monopoly privilege which is worth £100 to £300, aye, in some cases as much as £2,000. But, on the other hand, every step we have taken so far in the licensing system seems only to be followed by an increase of drunkenness. But I will not enter into that question here. All that I wish to urge upon the House is this—that such having been so far the result or want of result of our legislation, we ought not to legislate further without facts upon which to found our legislation; and if the House will lend me its attention for a very few minutes, I think I can show that the facts and experience, not only of this country, but of other countries, are different from what they are supposed to be by the great bulk of those who are at present advocating legislation, and those who are resisting it. I have taken the utmost pains to get at the truth, for having shared the popular delusions on this subject, I am most anxious not again to act or speak on in-

sufficient grounds. It has generally been assumed almost as an axiom by licensing reformers that the amount of drunkenness bears some direct proportion to the number of houses open for the sale of drink, and it is almost invariably assumed that the few experiments tried in the contrary direction have been entire failures. Now, I have analyzed carefully, the statistics of this subject, so as to minimize the danger of error arising from the fact that in different towns drunkenness is treated with a different amount of severity. The statistics given in a recent letter in *The Pall Mall Gazette*, had been (I think not unfairly) criticized, because, in the first place, the writer went further than can be proved by statistics when he stated that the statistics in question proved the inverse of the popular delusion; and also because it so happened that the towns which have the fewest public-houses are situated in the North of England, those with the most public-houses in the South of England. Their circumstances, therefore, are very different. But in order to compare towns as nearly as possible under the same circumstances I have divided them into North and South, so that wages and climate may correspond, and according to the population, so that the kind of town compared may correspond, and the result will prove to any man, and has proved, I think, to all whom I have shown the figures, that there is no direct proportion whatever between the number of the public-houses licensed for the sale of drink and the amount of drunkenness. I will merely state to the House the result as to the 19 towns North of Birmingham which have a population of over 50,000. I have arranged them in order, two ways—first taking as No. 1 the town having the fewest apprehensions for drunkenness in proportion to the population. I then, in fresh order, take as No. 1 the town with the fewest licensed houses in proportion to population, and I find that the numbers which attach to a town in its order of merit as to drunkenness and as to licensed houses, do not in the least correspond. For instance, of these 19 towns, Norwich has the fewest apprehensions in proportion to population, but the most licensed houses. Leicester comes second as to apprehensions for drunkenness, but eleventh as to the number of licensed houses. Sheffield, third as to apprehensions for

Mr. Norwood

drunkenness, is fourteenth as to licensed houses. Bradford, fourth as to apprehensions for drunkenness, is fifth as to licensed houses. Leeds, fifth as to apprehensions for drunkenness, is second as to licensed houses; and so on. And, taking the other end of the list, Manchester is the only town whose position as to drunkenness and the number of licensed houses corresponds. It has more public-houses than any other town but one, and it has a greater number of apprehensions for drunkenness than any other town, one alone being excepted. The one town, I regret to say, is Liverpool; but I wish the House to mark this—it has been assumed of Liverpool by those who know not the difficulties with which it has to contend that the cause of the amount of drunkenness which prevails there is the excessive number of licensed houses. But what is the fact? Liverpool has fewer licensed houses than any of the 19 towns over 50,000 inhabitants in the North of England except six. I need not trouble the House with further statistics, I shall be happy to show the tables to any hon. Member; but I will only say that, taking the towns with between 50,000 and 40,000 inhabitants, the towns with between 30,000 and 20,000 inhabitants, and the towns with between 20,000 and 10,000 inhabitants, as well as those with under 10,000 inhabitants, the results are similar. The statistics, when taken for so large a field, show, if thoroughly gone into, there is no direct proportion whatever between the amount of drunkenness and the number of licensed houses. But what has been the experience of other countries? I am indebted to the kindness of Mr. Carnegie, for a translation of the report of the committee of the municipality of Stockholm on drunkenness, which I have no doubt has been seen by other hon. Members. The report is a most admirable one. They have gone carefully into everything—such as good harvests, prosperous times, new police regulations—which might distinguish the comparisons they draw, and they show that their deductions are borne out by the real significance of the statistics. They have had in 1855 a reform in their licensing laws, and in 1864 a change in their police regulations. They have reduced the number of dealers in alcohol “bran vin,” their drink. From 1,200

in 1793 they reduced them to 700 in 1847, to 500 in 1850, and there are now only 280 houses licensed to sell for consumption on the premises, and 30 retail shops for consumption off the premises, the last in quantities not less than three-tenths of a gallon; and the question they set themselves to answer was this—“Have these measures attained, or at least brought us nearer, the attainment of the desired object? The result is, that they come to the conclusion that they have not, for they show that the amount of cases punished for drunkenness has increased from 1 in 88 of the inhabitants in 1851 to 1 in 46 in 1874. They go on to propose the adoption of the Gothenburg system, by which the monopoly of the sale of drink is practically in the hands of the public and for their benefit. Now, I am not disposed to express any dogmatic opinion on this subject. I repeat, what I think we want is such careful inquiry as shall give us facts, and not public notoriety, as the foundation of our legislation. That notoriety, as far as I can judge of it, is marvellously unreliable. Just let me give another and a most striking instance of this, because it is a case which I should really have supposed impossible had I not known it to be true. I have no doubt that a great part of hon. Members present believe that the system of open licensing in Liverpool was tried, and proved a failure, and that, as has been stated, it led to such an enormous increase of drunkenness that the magistrates recoiled from their experiment. The Liverpool experiment was upset after only three years’ trial, on the universally asserted, and as far as I remember the then uncontradicted, statement that drunkenness had enormously increased; and it has now been assumed that the drunkenness of the town since has been to a great extent owing to Liverpool being exceptionally provided with public-houses, instead of having fewer than most other towns, or most other large towns. There has seldom been a more curiously generally received popular fallacy than the Liverpool experiment. Two years after it had been given up, on an investigation into the state of crime it turned out that drunkenness, instead of increasing enormously, had actually decreased in proportion to population during the experiment, and some of the young magistrates, who,

against the experience and against the wishes of the older magistrates, upset the experiment, have since become convinced of the error of their ways. But, let me add, the experienced magistrates in Woolton and Prescott, a suburban district of Liverpool, were not then led away without investigation to upset a system which they had commenced. They persisted in it and persist in it now, and are perfectly satisfied with the results, which is more, I think, than any other body of magistrates in the Kingdom will say. In consequence of my having stated this, the temperance party in Liverpool sent their worthy agent, Mr. Smyth, to collect the facts, and I hold in my hand the results of his inquiries, as taken down in his presence. In 1867 there were in Woolton 35 licensed houses. In 1876 there were in Woolton 35 licensed houses. During the interval four licensed houses have been shut up and four licensed houses have been opened. In 1876 the licensed houses are of the same character as they were in 1867. They are not more magnificent in 1876 than they were in 1867. He found that some of his friends did not agree with him in this; but, at any rate, I can speak myself as to there being no such development into the dangerously magnificent gin-palaces as has taken place in Liverpool under the restrictive system. He also stated that there was much less open drunkenness in 1876 than there was in 1867; that the place in 1876 was more orderly than it was in 1867; but that the ministers of religion did not believe that there was any diminution (in 1876 as compared with 1867) in drunkenness, but that it was not so visible. He considered that this was in consequence of the repressive power of a police barracks in the middle of the population, and he said that a lawyer who had been in the habit of coming over to the police court to defend prisoners charged with drunkenness had ceased to do so, because there was not so much open drunkenness. In other words, under the free licensing system not one single additional public-house has been opened. The mere fact of the magistrates steadily refusing to renew licences wherever a house was in the least disorderly has kept them down to their original number, even with an increase of population, and has prevented them creating the dangerous gin-palaces to which a large

number of the houses in Liverpool have during the last few years been converted. And this brings me to the point to which I wish particularly to call the attention of the House. I do not hesitate to say that the magistrates and police of England, if they would only enforce the existing laws, have ample powers in their hands to shut up one-third of the public-houses, and reduce, by at least a quarter, the crime of the Kingdom by simply refusing to renew the licences of any houses doing a disorderly trade. They did this in Luton, and they are, I am happy to say, taking steps in the same direction in Liverpool, and I believe also in Birmingham. When I was in Liverpool in January a man consulted me about a friend of his, who was anxious that his son should go in for the Civil Service examination. I found that the friend about whom he wished to consult me was a licensed victualler, that he was evidently a respectable man, anxious about the character and welfare of his children. His public-house was in a most respectable neighbourhood, and, presumably therefore, both from the character of the man and position of the house, doing a more respectable trade than I fear many public-houses in Liverpool. His friend told me that he was tired of the trade, and wanted to get out of it, for he could no longer carry it on with the same advantage as before; that since the new inspectors had been put on the police had increased their vigilance, the magistrates had become stricter, and the publicans were no longer allowed to sell drink to men who had had too much, without fear of an endorsement on their licences; and that this alone had reduced his takings by £700 a-year. Consider what an amount of evil and demoralization preventible under the present law, if strictly administered, that £700 a-year represents. Consider the benefit of such strictness applied to those parts of the town where drunkenness prevails and a drunken trade is more unscrupulously carried on. If the exertions of the friends of temperance were directed to force on magistrates this efficient execution, our present laws then would be able to accomplish much; and I would further urge that a strict, thorough, and complete examination of the facts, and experience of this and other nations should precede further legislation on the question. I

Mr. Rathbone

think I have said enough to show that the loose but generally received popular impressions which have been so broadly asserted and so easily accepted are popular fallacies, and an unsound foundation for legislation. The Swedes seem to believe that their system of monopoly, of which the profits go to the community, is the right one. There is, on the other hand, a growing opinion in this country that the best system is what has been described as freedom with responsibility—namely, limiting the number of public-houses, not capriciously, but by preventing them from doing a drunken trade, and shutting up those that do it. Let both be carefully examined, as well as the result of our present system—that strange system, enormously and artificially increased by the monopoly profits of the liquor traffic, the temptations to those that carry it on, their wealth and means to tempt others, and their power to make the enforcement of the law against drunkenness and disorder almost impossible.

SIR HENRY SELWIN-IBBETSON: Sir, I may say I am glad, at all events, that this Bill has been introduced to the House by the hon. Member. I have observed that some of those hon. Members who have expressed themselves ready to support him also say they are not prepared to go to the length of supporting all the details of the Bill. Therefore, I am glad to find the supporters of the Bill do not advocate entire suppression of the liquor traffic. I can assure them they will find that the Party which favours national sobriety is not limited to one side of the House—the object of all of us is to abolish as much as possible the amount of drunkenness in the country, and the only difference between us to-day is as to the best mode of carrying out that object. Then will the Bill of the hon. Member for Newcastle effect the purpose he has in view? If you take the power of control away from the justices, and transfer it to an elected Board, then I am very much inclined to think that the results will be the other way. I confess that I regretted in the early part of the speech of the hon. Member for Newcastle to hear him make remarks which I think were unjust and unfair on the magistrates of the country. I venture to say that our magistracy do not use their power in licensing matters simply for the purpose

of promoting Party or political interests. I believe that the great majority of them approach the subject of licensing quite as earnestly as hon. Members opposite, and are equally with them desirous to promote temperance. But when speaking of the magistrates we must remember what they have done, and judge them by their efforts during the last 300 years. It must be remembered that there have always been limitations to their power. In the present day the law has practically placed a restriction on them which has destroyed their power to deal wisely and judiciously with cases in their own localities as they arise. If we are to proceed to deal with the licensing system, would it not be better to improve so far as possible the machinery which already exists, and the working of which you know, and give to the magistrates their full powers, and see if they will not use them with discretion and enforce them for the benefit of the country, and use their best endeavours for the diminution of the vice of drunkenness? Now, we have heard a variety of arguments used to-day to show why we should adopt the principle of this Bill, and we have been told that if we go to Sweden we shall see the advantages of investing Local Boards with this power. But I would remind hon. Members that the system in Sweden is very different from the system which is proposed under this Bill. For under this Bill you will have a perpetual change of licensing authorities accompanied with all the excitements of an election, and by the influences which we know are brought to bear on such elections. When elected, the Board will have the power of destroying the vested interests of a particular trade, and would place that trade in the future at the discretion of the newly-elected members of this Board. In my opinion, the main object of legislation on this subject would be destroyed and the trade lowered if the principles of this Bill were adopted, for no man with capital and respectability would like to go into a trade which is liable to be destroyed every three years. This is a point which has been lost sight of during the debate to-day. I believe that if you were to improve the character of those who carry on this trade, you would do more towards lessening the evils which you seek to check than you could possibly do under this Bill. If you have a

Licensing Board this might occur:—a majority of one, holding temperance views, would destroy the whole trade of the district for three years, and then, where there is such an uncertainty, you would not get persons of character and respectability to come into the trade. Although the hon. Member for Newcastle has said that drunkenness has increased according to the facilities given to obtain licences, I do not believe that is a proposition which he would be able to support. We have heard the direct opposite from the hon. Member for Liverpool (Mr. Rathbone), who quoted from statistics he himself moved for as to the number of public-houses and the number of convictions in towns. I will only mention one case. Out of the whole of these Returns the county to which the hon. Member belongs (Northumberland) stands at the top of the list for convictions for drunkenness, and the county which I have the honour to represent (West Essex) stands at the bottom. I will take two examples—in Durham there were 11,671 convictions for drunkenness, and 1,766 licensed houses. In Essex—and I do not forget the difference in the population—there were 507 convictions and 2,259 licensed houses; therefore, in Durham you have 10 convictions for every public-house, while you have 4½ public-houses in Essex for every conviction. If we look at the Bill which the hon. Member asks us to read a second time to-day, I confess that to me it bristles with objections. I see in that Bill a prospect of nothing but agitations. The Bill provides that the country should be divided into small electoral districts—practically about one-fourth or one-third of a Parliamentary district—and an election is to take place in them not less than once every three years. But the elections are not confined to three years, for there is to be a fresh election when any member dies or is incapacitated, or when a member caring so little for the honour done him neglects to attend the Board for six months. These elections must be carried out according to certain provisions—and supposing, as is most likely, the voting is to be by ballot, in each district only one-third the size of a Parliamentary district there must be polling-booths erected, and you must have all the machinery that is necessary for the election of a Member of Parliament; and, though the expense has been made

a light thing of, yet I think the rate-payers will find it no slight burden. The Boards will have their paid officers, and the only restriction as to their salaries would be the approval of the Secretary of State. All expenses are to come out of the local rates. Now these local Boards are to be entrusted with powers which you do not give to your magistrates, for you give them power to decide cases without appeal. The magistrates of this country, supposed to be influenced by local circumstances, are to be succeeded by a body of men, who, as I think, would be a great deal more open to local influences, for they are living amongst the people and in daily intercourse with the people on whose application for licences they have to decide, and it is not to be supposed that private interests will not be brought to bear upon them. As an example, we had it in evidence from an Inspector of Police before the Select Committee that in the borough in which he resided it was impossible for the police to obtain convictions against disorderly houses in consequence of the Watch Committee refusing to allow cases to be brought before the magistrates; and this would show how local influence could be brought to bear against the promotion of temperance. If the magistrates instead of the Watch Committee had the power to deal with such matters in that borough, then drunkenness would not have been so rife in that borough. Any attempt to upset the present system should be approached more carefully than, as I think, it has been approached by the hon. Member. I do not think this Bill will carry out its object and the object which we all have—namely, the diminution of the vice of drunkenness, and for that reason it does not deserve to be read a second time.

MR. J. COWEN said, he would not trouble the House with many observations in reply. He had only to say that the Bill had been discussed on points of detail—the issues that had been raised were side issues, and no attempt had been made to grapple with the principle of the Bill. He desired, therefore, to point out clearly the question upon which he asked a division. At the commencement of his observations he distinctly stated that the details of the Bill were of small consequence, were matters for future consideration,

Sir Henry Selwin-Ibbetson

and if needed could be altered and amended; but the principle on which the Bill was founded was the principle of local option—the principle that the control of the licences should be left to local bodies popularly elected, and responsible to those whom they represented. All sides of the House were agreed that this trade must be regulated. At present the magistrates regulated the licensing. The magistrates were not popularly elected; they were an irresponsible body to a great extent; they held their offices for life; they were to a large extent drawn from a section of the community not affected by public-houses; and he thought, therefore, they were not the best to be entrusted with these powers. On the contrary, a body specially elected for the purpose of discharging these duties by the ratepayers, responsible to those who elected them and affected by their decisions, seemed to be the best qualified for the purpose. That was the principle of the Bill, and upon that and not upon the details he went to a division.

Question put, “That the word ‘now’ stand part of the Question.”

The House *divided*:—Ayes 109; Noes 274: Majority 165.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for six months.

ELECTION OF ALDERMEN (CUMULATIVE VOTE) BILL—[BILL 46.]

(*Mr. Heygate, Mr. Russell Gurney, Mr. Faicett, Mr. Wheelhouse, Mr. Morley.*)

SECOND READING.

Order for Second Reading read.

MR. HEYGATE, in rising to move that the Bill be now read a second time, said, that whereas at present the election of councillors in all municipal boroughs in England was established on a fair principle—namely, by the voting of the ratepayers in their separate wards—the aldermen were elected by the Town Council at large, and even the aldermen who were not outgoing voted for those who were to fill the vacant places. It thus happened that in the present system a majority of 1 among

the councillors on the side of either party would carry the nomination of all the aldermen for that particular municipal borough. The result was, that in every borough where party politics were introduced, or in nearly all those cases—and unhappily these elections became every year more and more political in their character—there might be a total exclusion of the representation of the party of the minority in this matter. Both political parties were equally to blame for this result. Various propositions had been made to remedy the evil, but he thought the best remedy would be the introduction of the cumulative vote. It must be the object of every well-wisher of municipal institutions that the opinion of the ratepayers should be reflected in the election not only of councilmen, but of aldermen, though that was not the case under the present system.

And it being a quarter of an hour before Six of the clock, the further proceedings on Second Reading stood adjourned till *To-morrow*.

Then the other Business upon the Paper was taken; until it being ten minutes to Six of the clock—

The House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 18th May, 1876.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Pier and Harbour Orders Confirmation (Aldborough, &c.) * (78); Provisional Orders (Ireland) Confirmation * (67); Poolbeg Lighthouse * (79).

Committee—Report—Chelsea Hospital Accounts * (81).

Third Reading—Supreme Court of Judicature (Ireland) * (74), and *passed*.

TURKEY—OUTRAGE AT SALONICA.

QUESTION.

EARL DE LA WARR asked, If Her Majesty's Government have any objection to communicate such information as they may have received respecting the outrage at Salonica; and, whether

it is correct that British ships of war, as well as those of other countries, have been despatched to Salonica and Besika Bay?

THE EARL OF DERBY: In answer to the first part of my noble Friend's Question, I have to say that I have received official communications on the subject of the unfortunate occurrence of the murder of the two Consuls at Salonica; but these communications have reached me by telegraph, and they are necessarily brief. The information they contain is in substance identical with that which has appeared in the newspapers. I am therefore not in a position to throw light on the details of the occurrence. I am, however, happy to be able to state that the Turkish Government has shown a very proper feeling in the matter, and that nothing has been left undone by it to secure the punishment of the offenders and afford reparation to the relatives of the sufferers. In answer to the second part of my noble Friend's Question, I have to say that it is a fact that in consequence of communications received from our Ambassador at Constantinople Her Majesty's Government have thought it desirable that the Admiral commanding in the Mediterranean should bring up the vessels under his command to Besika Bay. One ship has been despatched to Salonica; and, in addition, orders have been given for a gunboat to go up to Constantinople. I may mention that undoubtedly there has been a great deal of excitement among the Mahomedan population at Constantinople, and considerable apprehension among the Christian population; but the latest accounts state that the agitation has been much allayed, and I hope, therefore, there is no further danger.

ARMY—KNIGHTSBRIDGE BARRACKS. QUESTION.

VISCOUNT POWERSCOURT, having recapitulated the statements and suggestions contained in a letter written by him, and recently published in *The Times* newspaper, asked Her Majesty's Government, Whether they intend to adhere to the plan of Knightsbridge Barracks now on view in the Tea Room of the House of Commons, and whether tenders have been accepted for the works?

Earl De La Warr

EARL CADOGAN in reply, said, that it was not intended to make any material alterations in the plans referred to by the noble Viscount. No tenders had been accepted, because none would be asked for until the Vote had passed. He might, he thought, be allowed to say that the authorities at the War Office were as anxious as the noble Viscount to make the newly-constructed barracks completely efficient in a sanitary as well as a military point of view. The old officers' quarters were to be renovated and an entirely new wing built, which would contain a mess-room, billiard-room, &c., and officers' quarters over them. The important point was the question of money. It was the opinion of the architect that if this new wing were added the old quarters might be made as good as could be desired; but if the course suggested by the noble Viscount were pursued, and they were entirely to pull down the old officers' quarters and the old riding school, and rebuild them on the sites pointed out by his noble Friend, an extra cost would be caused of at least £15,000, and such an expenditure the Secretary of State did not feel inclined to incur. The noble Viscount was very right in objecting to the married men being compelled to live in the disreputable slums in the neighbourhood; and admirable provision had been made for the married men in the new barracks, so that room would be found for all except 20. If the present officers' quarters were pulled down and a new building erected further west, we should be erecting a structure in front of houses which at present had an unintercepted view of the Park; and this might create a difficulty and arouse opposition from the inhabitants of those houses. The owners of house property in that neighbourhood had already shown themselves somewhat difficult to deal with. As to the sanitary condition of the barracks, the Inspector General of the Medical Department had reported that it was satisfactory.

LORD SANDHURST drew attention to a letter written by Sir Henry Cole, pointing out the advantages of a site about 100 yards to the north of the present barracks, and added that for his own part he had no wish to raise any opposition to the Government in this matter, and merely desired that it should

be settled in a manner pleasing not only to the inhabitants of Knightsbridge, but to everybody interested in the question, which was one not solely of local importance, but affecting London in an art sense to a considerable degree.

THE DUKE OF RICHMOND AND GORDON remarked that as there were only one or two Bills, of no great importance, and unlikely to lead to discussion, down for to-morrow night, it might be convenient to their Lordships that the House should adjourn to-morrow afternoon, after the appeals had been heard at 4 o'clock, until Monday.

House adjourned at a quarter before Six o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 18th May, 1876.

MINUTES.] — PUBLIC BILLS — *Resolution in Committee—Ordered—First Reading—Customs Laws Consolidation* * [154].

Ordered—First Reading—Elementary Education [155]; *Prevention of Crime Act Amendment* * [153]; *Poor Law Rating (Ireland)* * [156].

First Reading—Tramways Order Confirmation (Wantage) * [157]; *Gas and Water Orders Confirmation* * [158].

Second Reading—Notices to Quit (Ireland) * [114].

Committee—Customs and Inland Revenue [124] — R.P.; *Burghs (Scotland) Gas Supply* [120], *discharged*.

Committee—Report—Admiralty Jurisdiction (Ireland) (re-comm.) * [121].

PALACE OF WESTMINSTER—THE CLOCK TOWER.—QUESTION.

MR. RITCHIE asked the First Commissioner of Works, Whether the light of the clock in the Tower of the Houses of Parliament is extinguished at midnight when the House is not sitting; and, if so, whether, seeing the great advantage of an illuminated clock in such a prominent position, he will give instructions that in future the light be not extinguished until daylight?

LORD HENRY LENNOX: I am much obliged to my hon. Friend for having put this Question. It is true that the light in the Clock Tower is extinguished at midnight when the House is not sitting; but, as it has been represented to me that it would be a great convenience, especially during the winter months, to the working classes and others who are compelled to leave their houses at an early hour, I will give the necessary directions that the light shall be kept burning until daylight.

EGYPTIAN FINANCE—CONVERSION OF THE DEBT—DECREES OF MAY 2.

QUESTION.

MR. SAMUELSON asked Mr. Chancellor of the Exchequer, Whether the conversion of the Egyptian Debt, in the terms of the Decrees of the 2nd May, does not affect the security to this Country for the sum of about £200,000 per year payable in respect of interest on the Suez Canal shares; and, whether the consent of Her Majesty's Government, as a creditor of Egypt, was asked and obtained prior to the publication of those Decrees?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he did not see that the conversion of the Egyptian Debt in the terms of the Decrees of May 2 affected the security this country had for the £200,000 a-year. That sum was and had been included in all the arrangements, he believed, proposed in reference to the charges which were to be borne by the Egyptian Government. The consent of the British Government was not asked prior to the publication of the Decrees of the 2nd May; but those Decrees were issued solely in accordance with the caprice of the Egyptian Government.

CORRUPT PRACTICES AT ELECTIONS.

QUESTION.

SIR COLMAN O'LOGHLEN asked Mr. Attorney General, When he will introduce the Bill to carry out the Report of the Select Committee of last Session on the Corrupt Practices Prevention and Election Petitions Acts?

THE ATTORNEY GENERAL, in reply, said, that a Bill was in course of preparation, and he hoped to be able to introduce it in the course of a week.

INDIA—ARMY FURLOUGH RULES.

QUESTION.

MR. MORRIS asked the Under Secretary of State for India, If the Furlough Rules, published by the Governor General of India in November 1868, fixed the rate of exchange at which officers on leave in England, who accepted those rules, were to be paid; whether those rules have been altered by the late Secretary of State for India; if any Memorials from officers have been received who had accepted the rules of 1868, complaining of such change as unfair; and, if he is aware that Memorials have been addressed to the Government of India by officers on the same subject, and what reply has been given?

LORD GEORGE HAMILTON, in reply, said, that the Indian Furlough Rules of 1868 had been revised by the Secretary of State in July, 1871. Complaints had been received at the India Office from officers who had accepted the rules, complaining of the change; those complaints were under the consideration of the Secretary of State in Council, and in a few days he (Lord George Hamilton) would be able to give the hon. Member a definite answer as to what the reply would be.

ARMY — SURGEONS OF MILITIA REGIMENTS.—QUESTION.

MR. ERRINGTON asked the Secretary of State for War, Whether it is not the case that in some thirty-five Militia Regiments the posts of Surgeon or Assistant Surgeon, or both, are vacant, owing to the appointments having been suspended for more than a year "pending new regulations;" and, if he will state, for the convenience of candidates waiting for appointments, how soon the vacancies are likely to be filled up?

MR. GATHORNE HARDY answered the first Question in the affirmative, and added that it was not intended to fill up the vacancies until the Militia Warrant, now under consideration, had been confirmed. It would not be long before this took place.

EDUCATION — MODEL SCHOOLS (IRELAND).—QUESTION.

MR. CHARLES LEWIS asked the Chief Secretary for Ireland, If any deci-

sion has been come to by the Government with reference to the complaint as to the increase of fees payable in the Model Schools in Ireland, which was brought before the Prime Minister by a Deputation in the month of March last?

SIR MICHAEL HICKS-BEACH: The special complaint urged by the memorialists was that in January last a new fee of £1 per quarter was added by the Commissioners of Education in Ireland to the scale of fees previously existing in the model schools. Having inquired into the matter, the Government find that even this increased fee cannot be taken to represent the real value of the education given in the model schools; that it will only be exacted from children whose parents are in such a social position as to be well able to pay for the whole cost of their children's education; and that the children of poor parents, and those in training for the office of teacher, can still avail themselves of the benefits of these schools at a scale of fees descending as low as 1*d.* per week. Under these circumstances, the Government have not considered it advisable to interfere with the decision of the Commissioners of Education on the point, as they cannot anticipate that it will lead to the results feared by the memorialists. But they fully recognize the necessity of maintaining the model schools in efficiency and usefulness, and the working of the new scale of fees, and of the system generally, will be carefully watched with that object.

PUBLIC HOUSES (IRELAND)—SUNDAY CLOSING.—QUESTION.

MR. R. SMYTH asked Mr. Chancellor of the Exchequer, Whether it is the intention of the Government to introduce a Bill to give effect to the Resolution of this House on the subject of the sale of Intoxicating Liquors on Sunday in Ireland?

THE CHANCELLOR OF THE EXCHEQUER: It will be in the recollection of the House that in the course of the discussion to which the hon. Gentleman refers an offer was made by the Government that in the event of that Motion not being pressed they would introduce a Bill during the present Session for shortening the hours during which public-houses are permitted to remain open in Ireland on Sundays. That proposal,

however, was not accepted, and the House, by a large majority, affirmed the principle of the Resolution for total Sunday closing. In these circumstances the hon. Gentleman asks whether it is the intention of the Government to introduce a Bill to give effect to that Resolution. Well, Sir, the very large amount of Government Business on the Paper, and remaining to be disposed of, would in any case make it very difficult for us to deal with the question during the present Session; and, considering that the Resolution was opposed by the Government, and that the matter is one which involves a good deal of practical difficulty, we think it is but reasonable that time should be given for consideration and inquiry, in order that we may decide on the course we ought to adopt.

JUDICATURE ACT, 1873—THE SUMMER ASSIZES.—QUESTION.

MR. COLE asked the Secretary of State for the Home Department, Whether his attention has been called to a letter in "The Times" of Monday the 15th instant, stating that—

"By a list of the Summer Circuits of Her Majesty's Judges published on Friday morning, the Circuits are to commence at least eight days before the time at which they commenced last year;"

and if such statement is correct; if so, whether it was the intention of the Judicature Act that the Circuits should be commenced at so early a date as to withdraw nearly the whole judicial strength from London and Middlesex, diminishing thereby the opportunities for the trial of causes in these important places; also, as several of the Circuits if commenced at the times mentioned will conflict with the County Quarter Sessions which by law must be held in the week commencing on Monday the 26th of June; and, whether any provision will be made to obviate the difficulties which must necessarily arise therefrom?

MR. ASSHETON CROSS, in reply, said, he had consulted the Judges, and he was informed that the statement in *The Times* was correct. He must, however, decline to say what was the intention of the Judicature Act on the subject, as that ought to be gathered from the Act itself. By that Act the Courts created by Commission of Assize, Oyer

and Terminer, and Gaol Delivery were among those transferred to the High Court of Justice; and by one of the Rules framed by the Judges under the Act, and which were laid before both Houses of Parliament, the sittings of the Court were fixed. Michaelmas Sittings were to commence on the 2nd of November and end on the 20th of December; Hilary Sittings on the 11th of January, and end on the first Wednesday before Easter; Easter Sittings were to extend from the first Tuesday after Easter week to the Friday before Whit Sunday; Trinity Sittings from the Tuesday after Whitsun week to the 8th of August, and the Long Vacation was to commence on the 10th of August and terminate on the 24th of October. The Judges considered that the Courts of Assize, of Oyer and Terminer, and Gaol Delivery, being part of the High Court of Justice, were subject to those Rules, and that it would not be proper that they should sit after the 10th of August, and it was with that view he was informed that the Circuits had been fixed. With regard to the withdrawal of judicial strength from London and Westminster, he would remind the hon. and learned Gentleman that three Judges sat at Nisi Prius in London and Westminster during the time of the Assizes, and that during the whole of that time sittings *in banco* were held in each Court once a week.

CRIMINAL LAW—MR. BRAVO—THE INQUEST.—QUESTIONS.

MR. SERJEANT SIMON asked the Secretary of State for the Home Department, Whether his attention has been called to the manner in which the inquest on Mr. Bravo was conducted; whether some of the medical men who had attended Mr. Bravo did not tender their evidence to the Coroner and were not refused a hearing by him; whether the Coroner is not by law required to read over to each witness a written report of the evidence given by the witness, and to procure the signature of the witness to the same; whether, in the case of the inquest on Mr. Bravo's death, the Coroner complied with such requirement; and, whether he intends to direct further inquiry into the cause of Mr. Bravo's death, and also into the

conduct of the Coroner, and the proceedings before him?

MR. CALLAN asked the Secretary of State for the Home Department, Whether his attention has been called to the mysterious death of Mr. C. D. Bravo by poison at Balham on the 21st ultimo, the facts of which are stated in the "Morning Post;" whether several of the physicians called in to attend him and persons in the house were not examined on the inquest; whether all accounts of the inquest were withheld from the public Press; whether Sir William Gull received a positive assurance from the dying man that he had not attempted to take his own life; whether, notwithstanding this important fact, Sir William Gull was not examined by the Coroner; and, whether an open verdict having been given by the jury, after only two meetings, it is his intention to give directions for a fuller investigation?

MR. ASSHETON CROSS: I need hardly say that the consideration of this very painful case has taken up a great deal of my attention. I will answer the Questions as far as I can; but as some of them have been a little altered from the terms in which they stood on the Notice Paper last night, I have not been able to obtain full information as to the whole of them. I am asked first, whether some of the medical men who had attended Mr. Bravo did not tender their evidence to the Coroner, and were not refused a hearing by him; and whether several of the physicians called in to attend him, and persons in the house, were not examined on the inquest? I am very sorry to say there were a great number of physicians—I think amounting to four—who were not examined before the Coroner, and that some of the servants also were not examined. I am not able, for the reason I have just stated, to say whether they tendered their evidence, but I am not aware that they did; and, at all events, their evidence was not taken. I am asked whether the Coroner is not by law required to read over to each witness a written report of the evidence given by the witness, and to procure the signature of the witness to the same? and whether in the case of the inquest on Mr. Bravo's death the Coroner complied with such requirement? I believe that to be the law, and I am sorry to say that the law does not seem to have been complied with in

this instance. I am asked, next, whether all accounts of the inquest were withheld from the public Press? That I am not able to give positive information about, but rather negative information. I cannot find that an account of the inquest was sent to the public Press, and I am informed that it is not usual to do so, and that it was not done in this instance until after an account of the matter appeared in *The Daily Telegraph* and other newspapers. Then I am asked whether Sir William Gull received a positive assurance from the dying man that he had not attempted to take his own life, and whether Sir William was not examined by the Coroner? Sir William Gull was not so examined; but he writes me word that he received no assurance from the dying man that he had not attempted to take his own life. And, lastly, I am asked whether, an open verdict having been given by the jury after only two meetings, I intend to direct any further investigations into the cause of Mr. Bravo's death, and also into the conduct of the Coroner? The second day of the inquest was on Friday, the funeral took place on Saturday, and on the Monday detectives were placed in communication with the friends of Mr. Bravo in order to inquire into the circumstances. The police have had further instructions to give every assistance in their power to investigate this case. I have thought it right not only to do that much, but to put the matter into the hands of the Solicitor to the Treasury—there being no Public Prosecutor at present—to take such steps as he may think fit in order that the facts of the case may be ascertained. No expense will be spared and no time will be wasted in sifting the matter to the bottom. So far as the inquest and the Coroner's verdict are concerned, the House knows that I have no power over the Coroner. All I can say is that, from the facts I have stated, I, for one, am entirely dissatisfied with the way in which that inquest was carried on; and after much consideration I have thought it best to place the whole of the papers in the hands of the Law Officers of the Crown, who will advise me as to whether there are grounds for making application to the Court of Queen's Bench for the issue of a writ *ad melius inquirendum*, or whether any and what further steps ought to be taken.

Mr. Serjeant Simon

**TURKEY—MURDER OF THE CONSULS
AT SALONICA.—QUESTION.**

MR. HANBURY asked the First Lord of the Admiralty, Whether, in view of recent occurrences at Salonica, any, and, if so, what vessels of the British Navy have been ordered to proceed to the coasts of Turkey?

MR. HUNT: Her Majesty's ship *Swiftsure* is at Salonica. Admiral Drummond, the Commander-in-Chief in the Mediterranean, is on his way to Besika Bay with either three or four ironclads, and he will be joined by the *Devastation* from Malta. A gun-vessel has been ordered up to Constantinople.

**GLOUCESTER DISTRICT REGISTRY.
QUESTION.**

MR. MONK asked the Secretary to the Treasury, Whether it is proposed to abolish the District Registry of the Court of Probate at Gloucester; and, if so, whether he can state to the House what measures will be taken to prevent the great inconvenience to residents in the county of Gloucester, as well as to professional men, from the abolition of a local Registry for proving wills and taking out letters of administration, which has existed at Gloucester for more than three hundred years?

MR. W. H. SMITH, in reply, said, that no definite decision had been come to upon the subject. It rested entirely with the Lord Chancellor, the Treasury having only a limited interest in it.

**MERCANTILE MARINE—THE "LILY
OF DEVON."—QUESTION.**

MR. BATES asked the Secretary of State for the Home Department, If he will cause to be laid upon the Table of the House the depositions of the Master and Officers of the barque "Lily of Devon," of Plymouth, as taken before the police magistrate, Mr. Paget, in October 1874, with the reasons assigned by that gentleman for dismissing the complaint of the master against three of the crew of that vessel for plundering the cargo?

MR. ASSHETON CROSS, in reply, said, that the offence not being technically an indictable one, no depositions had been taken, nor was there any

record of the reasons which actuated the magistrate in dismissing the charge. If the hon. Member would move for a copy of the notes of the evidence of the trial, or anything connected with it that was in existence, it should be produced as an unopposed Return.

**ARMY—SUPPLIES TO MILITIA REGI-
MENTS.—QUESTION.**

MR. DEASE asked the Secretary of State for War, Whether it is usual and according to law that contracts for supplies to Militia regiments during their time of training should be entered into without advertisement?

MR. GATHORNE HARDY, in reply, said, there was no law regulating the mode in which contracts for supplies to Militia regiments during their period of training should be entered into. Whenever possible, advertisements were issued; but in some cases this was not practicable; but even then the officers in charge of districts were compelled to show that the supplies were necessary and the amounts paid for them reasonable.

**JOINT STOCK COMPANIES ACT—AR-
REST OF AN OFFICIAL LIQUIDATOR
AT HAMBURG.—QUESTION.**

SIR JOHN LUBBOCK asked the Under Secretary of State for Foreign Affairs, Whether the attention of the Government has been called to the circumstances connected with the arrest, by order of the Hamburg Courts, of Mr. Whinney, the Official Liquidator of the London and Hamburg and Continental Exchange Bank, Limited, in October 1874, and his being compelled to repay, at the expense of the English shareholders, moneys which he had recovered in England under the judgment of an English Court?

MR. BOURKE, in reply, said, Her Majesty's Government was giving attention to the matter, and as soon as possible the House should be informed as to what was intended to be done.

**INDIA—BOMBAY REVENUE JURISDIC-
TION ACT, 1876.—QUESTION.**

MR. DUNBAR asked the Under Secretary of State for India, Whether "The Bombay Revenue Jurisdiction

Act, 1876," lately passed by the Legislative Council of India, has been as yet submitted to the Secretary of State for his approval; if not, when he expects to receive it; if he has any objection to lay a Copy of it upon the Table of the House; and, whether a Memorial of the Inhabitants of Bombay against the Act, adopted at a public meeting held on the 18th day of April 1876, has been received at the India Office; if so, whether he will lay a Copy upon the Table of the House?

LORD GEORGE HAMILTON: We received the Bombay Revenue Jurisdiction Act by last mail, but we have not yet received the Memorial of the inhabitants of Bombay against it. The Secretary of State will not consider the Bill until the Memorial has been received by him, and as soon as he has considered the Act there will be no objection to laying it, together with the Memorial, upon the Table of the House.

METROPOLIS—VICTORIA PARK.

QUESTION.

MR. J. HOLMS asked the First Commissioner of Works, If his attention has been drawn to certain abuses in the management of Victoria Park; and if it is his intention to cause an official inquiry to be instituted?

LORD HENRY LENNOX: Yes, Sir, by the courtesy of the Editor of *The Hackney Gazette* I have seen the letters which appeared in that journal addressed to myself, and to which I suppose the hon. Member for Hackney alludes. The letters not only reflect on the management, but they contain serious charges against the officials of Victoria Park; but they are anonymous, and I think the House, and I am sure the hon. Member himself will agree with me that I ought to take no notice of charges so grave made against officials in whom I have reason to place confidence until the writer of the letters will have the goodness to come forward in his own name and enable those who have been accused to meet the charges thus brought against them.

UNITED STATES.—THE "ALABAMA" AWARD.—QUESTION.

MR. BATES asked Mr. Chancellor of the Exchequer, Whether Her Majesty's

Mr. Dunbar

Government has received from Her Majesty's Minister at Washington any report as to the disposal of the sum paid by Great Britain to the United States Government under the "Alabama" award; whether or not it is true that a surplus of upwards of two millions sterling remains in the hands of the United States Government after the payment of all claims on the indemnity; and, whether Her Majesty's Government will lay upon the Table any Correspondence on the subject?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that he had made inquiry at the Foreign Office on the subject and found that there had been no report from Washington as to the disposal of the amount which the Geneva tribunal gave by their award. A Commission was appointed some time ago under an Act of Congress to investigate the claims, and the Commission would not finish its sittings until the 22nd of July. It appeared that there would be a considerable surplus; but the Commission had been precluded from inquiring into the claims of the insurance companies and certain other claims, and the rate of interest they allowed was restricted to 4 per cent. Bills had been introduced into Congress in order to admit the claims which were before excluded, and to allow the payment of a higher rate of interest than was originally fixed. Her Majesty's Government had no knowledge as to any particular arrangement likely to be arrived at. There had been no correspondence with the Government on the subject, and the only information they had was from the proceedings of Congress. Therefore Her Majesty's Government had no Papers to lay on the Table of the House.

NAVY—CREED REGISTER.

QUESTION.

MR. ARTHUR MOORE asked the First Lord of the Admiralty, Whether in the Royal Navy there is a Creed Register of the religious persuasion of each person on his first joining the service; and, if not, whether there would be any objection to having such register kept?

MR. HUNT replied that such a Register was kept.

ORDERS OF THE DAY.

Ordered, That the Orders of the Day be postponed till after the Notice of Motion for leave to bring in a Bill further to provide for Elementary Education.—(*Mr. Disraeli.*)

ELEMENTARY EDUCATION BILL.

LEAVE. FIRST READING.

VISCOUNT SANDON rose, amidst cheers, to bring in a Bill to make further provision for Elementary Education. The noble Lord said, he hoped that the kindness with which he had been received was a good omen of the friendly spirit in which this great and important subject would be dealt with by the House. Many of his friends had asked him whether he was fully aware of the great importance of the subject which he opened, and the risk which Her Majesty's Government would have to encounter in touching it. He could assure those who put the question to him that after the experience he had had during the past two years no one could be more fully alive to the importance and the gravity of the subject than he was; but, on the other hand, having watched the constant calmness with which it had been treated since 1870, he did not think that the risk Her Majesty's Government would have to run in dealing with it would be very great, because he was satisfied that both sides of the House would meet any measure affecting the education of our children in the most careful and most considerate manner, and in a most determined spirit, to shape it in a form that would meet the requirements of the country. He was also quite sure of another point—namely, that the parents of this country would look with disapprobation on any one who attempted to turn this great question into anything like a Party matter. It was of far too much importance to the interests of the working classes and the employers of labour in the future and to the interests of the country at large to be treated as a Party question. He, for one, should, on the part of the Government, endeavour to rob the subject of anything like a Party character. He had no doubt the Gentlemen opposite would aid him in preserving that spirit of impartiality throughout their debates on the subject. He should at the outset like to lay before the House a sort of picture of the posi-

tion in which the Government had found themselves with regard to education when they looked upon the matter with a view to action. The Lord President and himself had given the question their most anxious, careful, and constant attention for a long period. They had looked at it primarily in the interest of the children; and, secondly, in the interest of the country as a whole. They had received considerable assistance from different sources in the course of their labours. There was, in the first place, the mass of evidence bearing on the subject which had been collected by the Factories Commission, whose Report had only recently been laid before the House. They had also the advantage of the judgment of that most able body of Commissioners—whom he took that opportunity of thanking for the untiring labour, ability, and zeal they had displayed, although he did not entirely concur in all their recommendations, and he was satisfied that both sides of the House must be proud of such Colleagues as the noble Lord the Member for the West Riding (Lord Frederick Cavendish), the hon. Member for Wigan (Mr. Knowles), and the hon. Member for Tralee (The O'Donoghue), to whom the country owed a deep debt of gratitude. They had also had the assistance of the elaborate Report of the former Commission on the Employment of Women and Children in Agriculture. They had taken the opportunity also of consulting all Her Majesty's Inspectors of Schools with regard to the treatment of the leading features of this measure. The measure, therefore, would not fail from lack of information on the subject on the part of its framers. They had, in addition to all this evidence, received an infinite number of communications on the subject from persons of all shades of political opinions, many of whom were of influence and experience, and Her Majesty's Government had carefully considered the suggestions which those communications contained. As to the Government measure itself, he wished at once to warn the House that it did not pretend to embody a proposal for a general re-construction of our educational system, and further that it did not pretend to be a reversal of the policy of the Act of 1870. The House would agree with him that it would be very hazardous for any Government to

attempt to reverse a policy which had received the formal approval of the country, unless they had the strongest evidence that the national policy had undergone an entire change. Now that the franchise had been lowered it would be most unwise to lead the people to believe that there would be a general reversal of policy whenever there was a change of Government. That could only be justified on the ground of a great change in the national wish, and it would be the height of pedantry to say that when the country came to the conclusion that a mistake had been made, it should be tied down for all time by the judgment of a past Parliament. But there should be no change in the broad lines of a policy without the nation clearly wished for the change. Her Majesty's Government felt that they should carry out what they believed to be the deliberate wish of the nation as experienced in three Sessions of Parliament—that no child in the country should hereafter enter on the struggle of life without having those simple tools needed by our present civilization to enable him to work his way hereafter, and that he (Viscount Sandon) took to be the determined and final and settled wish of the whole country, and not merely of a particular section. He knew that some people had demurred to that being the deliberate wish of the country, but he thought he could test it by taking the case of an individual child. Suppose the child came before a farmer at the Board of Guardians, and that the child was found unable to read or write or do the simplest sum in arithmetic, would not the farmer speak in the strongest manner of the gross and culpable neglect displayed by the parents of that child? Take the case of an employer of labour. He doubted if one employer of labour could be found who would not speak in equally strong terms of parental neglect if, when sitting on the bench of magistrates, a child was brought before him totally ignorant of the elements of learning. Take the case of a country gentleman at petty sessions. From his knowledge of those gentlemen he had not the slightest doubt if an agricultural child came before him in a state of gross ignorance he would remonstrate strongly with the parent as to his gross and culpable neglect. If they would not

tolerate a single child being kept in a state of gross ignorance, why should they tolerate whole masses of children being kept in a similar condition? To go further, they had had several debates in Parliament on the subject, and Members would recollect that there was a remarkable concurrence of opinion on both sides that this great measure of universal elementary education ought to be dealt with. It might be said it was all very well to talk in the abstract; but was there any tangible evidence that the country was willing to make sacrifices for this object? The evidence was overwhelming. Nothing could afford stronger evidence of the wish of the country than its willingness to spend money. Since the year 1839 there had been spent upon school buildings the sum of £13,000,000, of which £8,000,000 were expended before the Education Act of 1870, collected by voluntary effort, and £1,700,000 granted by Government. The annual Government grant amounted to £1,000,000, a similar sum was obtained from the school fees paid by the parents, and £660,000 was collected by voluntary subscriptions. Therefore it appeared on every side that the country was in thorough earnest upon this question. The result of this expenditure had been to provide school accommodation for the enormous number of 3,150,000 children. He asked the House to look at the manner in which the wish of the country on this subject had been met. There were only two classes of schools which they had to take into consideration. First, there were the private adventure schools, which were set up by private individuals for their own profit. Those schools were very numerous, and generally exceedingly bad. They were kept by people who generally knew nothing about learning. They were often very crowded, and very mischievous to the children. Then there were the public elementary schools which received the Government annual grant, and which were obliged to have a conscience clause and certificated teachers. There was another class of schools which were efficient, but which received no Government money, and were not under Government inspection. These for his present purpose might be put aside, because they were so few, and were year by year diminishing in number. There had been a large decrease in the attendance at the private ad-

venture schools, and they were now dwindling. The number of private adventure schools in the year 1871 was 6,153; in 1875 the number was 4,849, being a decrease of 1,304. The number of children attending private adventure schools in the year 1871 was 151,955; in 1875 the number was 130,571, being a decrease of 21,384. He hoped those schools would ultimately disappear altogether. How did children attend and take advantage of school accommodation in obedience to the wishes of the nation? They ought, at the lowest calculation, to have 3,250,000 children in daily attendance at their schools; whereas they had 1,800,000, so that there remained 1,450,000 to be accounted for. He thought they could not account for them even in the private adventure schools, and he was at a loss to say where those children were. With regard to the 1,800,000 under instruction, did they get sufficient instruction from their schooling? There, again, he thought the figures were not satisfactory. Only 200,000 of them offered themselves for examination in the three upper Standards, and 800,000 for examination in the three lower Standards. He need hardly ask how many of the children passed who offered themselves for examination in those Standards. The result, therefore, was not at all satisfactory as to the schools which had been provided at so much expense for the children of this country. He thought he had a right to say that the quiet, sober wishes of the country had been very greatly disappointed in this matter. What sort of education was it that the sober, quiet, right-thinking people of the country wished to be supplied to the children of the working classes? He had not a shadow of doubt that it was the settled sentiment of this country that sound elementary instruction should be provided for ordinary children, and that all talent and merit should have an opportunity of rising. That was no novel doctrine. It had prevailed ever since the revival of learning in the time of the Reformation. That he believed to be the wish of the country, and since he had been in office the Education Department had shown its anxiety to meet that wish by the very large improvements introduced into the Code last year. Assuming that it was the wish of the country that all children of talents

should have an open career before them, he thought the sentiment of the country with regard to children who had no particular talents—and he believed they constituted the great bulk of children—was that, at any rate, a simple modicum of learning should be secured to them. He thought the kind of education which the country wished to be given to the great mass of children who had no particular ability or aspirations was very well sketched by the right hon. Gentleman the Member for Birmingham (Mr. John Bright), who had said—

“What I would wish to see in this country is that every child should be able to read, and to comprehend what he reads; that he should be able to write, and to write so well, that what he writes can be read; and that, at the same time, he should know something of the simple rules of arithmetic, which might enable him to keep a little account of the many transactions which may happen to him in the course of his life.”—*[3 Hansard, ccxxviii. 1289.]*

He (Viscount Sandon) could not forget the very earnest desire of the right hon. Gentleman the Member for the University of London (Mr. Lowe) to secure a solid education to the children of this country. At a time when people were running wild about fanciful schemes of education that right hon. Gentleman had the courage to say that he wished, above all things, that all children should receive the simple elements of instruction. He (Viscount Sandon) would ask the House seriously to consider whether it would be right on the part of the State to create artificially, he might say, by State regulations, a whole population whose great ambition would be merely to wield the pen instead of the plough or the shuttle, as if the former occupation were superior to the latter. He could hardly think that any nation in its sober senses would for a moment lay down that as its object; nor did he think it would be a matter of State policy to bring the whole working classes into the idea that there was something very superior in using the pen to the implements of a mechanic or artizan. The education that the country wanted was ready for all the children of the country. We had schools open for all the children of the country. We had teachers, and in almost all the schools the teachers were well able to give instruction. Everything was there except the children to whom we wished to give the benefit of this education. As the wish

of the country was perfectly clear and education was perfectly ready for all classes of children that desired it, he should like the House to run over quickly with him, if they did not think he was occupying too much of their time, the law with regard to the labour and education of children. By the action of school boards under the Education Act of 1870 bye-laws had been passed with regard to the compulsory education of children to a very large extent. At the present moment the children of a population of 10,000,000 out of a population of 22,000,000 were kept from work and kept in school to the age of 10. They were only free to labour on receiving a certificate of having passed a certain Standard, and they were then subject to a modified half-time system, unless they received a certificate of having passed another standard. How was that provision enforced? It was enforced by visits to the homes of the children by attendance officers, who looked after children in all the streets and alleys of a town, by bringing the parents before magistrates, by fines, &c. By the Scotch Act of 1873 the duty of a parent was declared to be to provide for his child elementary instruction in reading, writing, and arithmetic from five to thirteen years of age, unless a certificate were given by one of Her Majesty's Inspectors that the child was able to read and write and had a knowledge of elementary arithmetic. Under the Scotch Act all reasonable fees were paid for poor parents out of the poor rate. The Act to amend the Scotch Education Act of 1873 enacted that the children of out-door paupers from five to thirteen years of age must go to school unless a certificate of having passed a Standard had been obtained from one of Her Majesty's Inspectors. He then came to the factories and workshops, putting aside textile factories. No child could be employed under eight years of age. There was no education certificate required at eight years; but from eight to thirteen years there must be half-time certificates. In the glass, metal, and fustian trades there were special later ages. Then, in mines no child could be employed under 10 years old; but there was no certificate needed at 10 years; and certificates of half-time attendance were required up to 12 years. Next came the Textile Factories Act (1874), by which no child

under 10 years could be employed. No certificate was needed at 10, so that the child might begin to work at 10 in complete ignorance. The child must then continue half-time attendance up to 14 years of age unless he got a certificate of proficiency in reading, writing, and arithmetic. It should be noticed that the Factory rules were primarily sanitary; education, he imagined, being their secondary object. He next came to agricultural gangs, in which no child could be employed under 10 years of age. Then there was the Agricultural Children Act passed in 1873, but which only began in 1875. Under that Act no child could be employed under eight, and not then be employed unless it brought a certificate of 250 previous attendances (or six months). After 12 months' labour it must have a certificate of school attendance for another 250 times, or it could not work under 10 years of age. After another 12 months' labour it must attend school for 150 times, and get a certificate, or it could not work under 12 unless it had passed Standard IV. That Act was enforced by a fine of £5 on the employer of the uncertificated child. As no one was bound to enforce the Act, it was put in force in only some 11 or 12 counties, and was there generally worked by the police. He had given the House a sketch of the Acts which regulated the education of children up to the present time. The great mass of the children now in employment were hampered as to the age at which they might go to work; in many trades the limit was fixed at 10 years, and none could go to work without some certificate of school attendance, or without having passed a certain Standard. Did those Acts give sufficient security that the children of this country went to school? They illustrated, he thought, the English habit of very slow and cautious progress in those matters; and they also read them the lesson that, in all their operations, they could not be too gradual. But they also gave the impression of general confusion, general inconvenience, and very inadequate results. They had, for instance, a school board on one side of a river and none on the other side; and parents might cross the stream and escape from its rules. Again, between the different kinds of labour—that of textile factories, of workshops, and of mines—they had constant conflict and

confusion, the employers frequently complaining of the injury inflicted on their various industries by the inequalities as to age and other matters; while, for the parents, nothing could be more vexatious than to find that, on a change of their abode, they were brought under different rules. Why should a parent, in choosing a particular industry for the employment of his child, be hampered by having to calculate how far his choice would be affected by these conflicting rules? What they wanted in these matters was simplicity and uniformity of arrangement. Let him recapitulate the state of things at which they had arrived. They found themselves in the face of a country which had made enormous sacrifices for education; and, while he acknowledged that the employers of labour had made sacrifices, that the country gentlemen had made sacrifices, that the ministers of the various Nonconformist bodies had made sacrifices, he must never omit to bear his testimony to the enormous pecuniary sacrifices which the clergy of the Established Church often, from their miserably small incomes, made on behalf of education. The ministers of all denominations had done much in that great work, but he still claimed the palm for those of the Church of England. They had done all in their power, not to shut the book of knowledge to the working classes, but to throw it widely open to them. With those great sacrifices, schools had been provided for 3,150,000 children; yet these schools were attended day by day by only 1,800,000 children. They had the great irregularity that he had described, which was very much caused by the neglect of the parents, by the great value also of the children's wages, and likewise by the absurdly low fees charged in the schools for the excellent education they gave, for when the parents saw how ridiculously cheap the education was they often treated it as of no worth. On the other hand, he found in case after case which had been brought before him from all parts of the country, that where the fees had been raised to a sensible amount there they got a regular and fixed attendance. Looking, then, at the irregularity which caused their sacrifices to produce so small a return, he thought he had made out a case to show that some further legislation was really needed, and that any Government

which did not bring forward some scheme for amending that state of things would be grossly neglecting their duty. How were they to deal with that great difficulty? There were different modes of doing so. They might propose universal school boards and tell them they must adopt a system of universal direct compulsion. That, of course, was simple enough. But then they had to remember that, although that proposal had been brought before the House three times, 164 Members was the largest number which had ever been found to vote for it. And even out of those 164 some, whom he called the leading spirits, said that they voted for universal school boards with the simple wish that the children might be sent to school, and that they would readily accept any machinery that was offered in the place of the school board. His right hon. Friend the Member for Bradford (Mr. Forster) expressed that opinion very strongly; and the hon. Member for Hackney (Mr. Fawcett) stated, if he rightly understood him, that, if they could secure the primary object of getting the children to school, he did not care how they attained that object or what schools they had to attend. Now, as to universal school boards, the House, he was sure, would not think that he had ever shown an undue hostility to school boards. On the contrary, on many occasions he had defended their action in regard to bye-laws when he thought them right, and he had lost no opportunity of expressing—what he believed to be the fact—that the country owed a very great debt of gratitude to the gentlemen serving on school boards—whether they liked the policy or not—for their self-devotion to the task of providing schools and getting the children into them in the large towns of the country. They had done a great work; they were called upon by Parliament to do it, and it would be exceedingly shabby, because of a little wave of unpopularity, not to acknowledge their labour to be honest and good. But that did not alter the view of the Government as to the very serious danger which hung around any proposal for creating a system of universal school boards; for there might be universal school boards without board schools. Surely no one would think of establishing all over the country so costly a machinery, inflicting everywhere the turmoil, the expense, the

animosity of feeling, and, perhaps, the disturbance of triennial elections, in order to create a municipality merely to get the children to school. He imagined that such a machinery would be far too large except in the towns. Moreover, they had been told that it would not be unreasonable to ask that a board school should be within reach of every parent in the land; that it would not be unreasonable to ask that no Government grants should be made to any schools except those which were under the management of the ratepayers; and also that it might be profitable to the cause of religion, and would not be unreasonable, to insist on all school-board schools being secularized. So that, if the Government were to propose a universal system of school boards, trying in a feeble manner—because the restrictions would be swept away—to confine them only to the duty of securing the attendance of the children at the schools, he believed they would be sounding the knell of every voluntary school in the country, and the proposal would probably lead in the long run to the one thing which he believed the country would detest and abhor—namely, one general system of secular instruction. He put aside, therefore, at once and for ever the proposition of universal school boards as the way of meeting the difficulty. Should they, then, oblige existing local authorities to pass bye-laws for universal direct compulsion? Hitherto direct compulsion had not been enforced in any part of the country, excepting by those who directly represented the ratepayers; that was to say, no locality had put itself under the law of direct compulsion unless at the will of the people of that locality. Direct compulsion meant constant visits to the houses and streets where the people lived; it meant a large body of visitors and attendance officers, who had the duty imposed upon them of going constantly to the parents and questioning them as to the attendance of their children at school. That was what he might call a system of domiciliary visitation. Now, if people wished to put themselves under that system, he had nothing to say against their doing so; but it would be a very serious thing for Parliament to say as the law of the land that this system of constant visitation should be imposed upon the people. He was sure that hon. Gentlemen opposite did not

like direct compulsion in itself, and only regarded it as a means to an end. Supposing they were to establish direct compulsion and put it into the hands of the local authorities, was it quite clear that, as time went on, they might not be affecting very largely the national character of the English people, who had always prided themselves on their independence? It was not a sufficient argument to say that direct compulsion existed in foreign countries. It might or might not be good for them; but he had always understood that one of the points on which we plumed ourselves as a nation was that we were accustomed to be led instead of driven. Parliament would be, consequently, taking on itself a great responsibility if it decreed that there should be a constant interference with the habits of the people, and that parents should be relieved of their proper responsibilities. He put the system of direct compulsion aside therefore as unsuitable for this country. Supposing, then, they endeavoured to solve the difficulty by having one Act for the country and another for the towns—adopting, say, the 10 years' limit for town industries and in the country giving effect to the Agricultural Children Act by providing some authority to enforce it? Well, in that case there would be a fatal inconvenience to the employers of labour, and a tendency to make children shift from town to country, and *vice versa*. That system, therefore, would not be very sound. Moreover, was the Agricultural Children Act of such a nature that the Government would be justified in adopting it as their own? As the House was aware, children under that Act had to be provided with three certificates of school attendance—first at 8 years of age, secondly at 10, and lastly at 12. It was impossible in speaking of that Act not to give a meed of praise to his hon. Friends the Members for South Norfolk (Mr. Clare Read) and Leicestershire (Mr. Pell), who in a most gallant manner stepped forward and determined to do their best to secure the advantages of education for the whole of the agricultural children. But it appeared to him that Parliament would not be justified in inflicting that Act permanently on the farmers of this country; and, after all, what did we gain by having two periods of 250 attendances and one period of 150 attendances? Did they

insure a fair knowledge of reading, writing, and arithmetic on the part of the children? He was sure the House would agree with him that that system was not one which ought to be made permanent. There would be a vital evil in dealing with the question merely as one of labour, because if Parliament did not interfere with the schooling of idle children, parents would have a strong inducement to keep their children from work. Children then, being neither at school nor at work, would in all probability become bad and mischievous, and that by legislation. None of those plans, in short, appeared to the Government satisfactory, and he would now run rapidly over the proposals which the Government had to make to the House. In the first place, he would say that, profiting by the example of the Factory Acts, they intended that their course should be a very gradual one. The Government had looked very carefully over the evidence given by Messrs. Redgrave and Baker before the Factories Commission—who, he supposed, were about the best judges of the labour and educational condition of the country—and were more than ever impressed with the necessity of dealing with the subject very gradually and cautiously. Their proposals, therefore, would not come to their maturity for five years—namely, till the year 1881. He might also say that no child now 11 years of age would be affected. As to the school board system, they proposed that all localities might have a school board in the same way as they might have them now. They left that to the free choice of the locality, and they retained the power to oblige localities to have school boards if they did not supply sufficient school accommodation. They proposed to repeal, while adopting certain portions of the Agricultural Children Act. Then, Town Councils and Boards of Guardians might pass bye-laws, just as school boards now could, for a parish on the requisition of its inhabitants, providing for compulsory school attendance on full or half-time, but they could have no power to establish or maintain schools. The Government, in other words, were of opinion that the representatives of boroughs who were now entrusted with the duty of asking for a school board, and, therefore, of enforcing compulsion if they liked, might very well be en-

trusted with the powers of a school board themselves; and that Boards of Guardians, who were now practically rural municipalities, might well be entrusted with the passing of bye-laws not merely on their spontaneous suggestion, but for any parish in the Union which asked for such bye-laws in the same way as it now asked for a school board. A meeting of ratepayers in a rural parish might at present ask for a school board, and therefore for compulsion. The Government proposed that that same meeting of ratepayers should be able to say—"We should like to have bye-laws for compulsion. We asked the Board of Guardians to pass those bye-laws, and we wish to have them without the burden of a school board." So far the whole country was put on the same footing as to the power to have bye-laws for compulsion. Now came a more important provision. As the House, no doubt, felt much more was wanted to secure instruction for all children. The Government, therefore, proposed that no person should be allowed to take into his employment, under the same penalty as was provided in the Factory Acts, any child under 10 years of age, or any child of 10 years of age and under 14, without a certificate. That certificate might be one of two things. It might be a certificate of efficiency in reading, writing, and arithmetic, ascending to Standard IV, or it might be a certificate of attendance, for 250 times in five previous years in not more than two public elementary schools. The reason for this alternative certificate would be obvious. It was impossible to shut their eyes to the fact that there were a great number of stupid children. If they looked at the evidence of the Factory Commission they would see that the leading Inspectors had all acknowledged this fact—that in any legislation with regard to education they must make allowance for what they called "dunces." Now this double certificate would have a very important effect of securing the very regular attendance of all the children up to 10. The parent would not like to risk his child passing in the Standard form prescribed for children of 10, and he would wish to have two strings to his bow, and to secure that he should, in addition, regularly attend for five years. On the other hand, he would not trust to the

250 attendances in each of the five previous years, because he would fear that illness might come, and thus the parent would have an inducement to push on the instruction of the child. What was wanted was to fix the responsibility of the child receiving instruction primarily on the parent, with whom it ought to rest; and the whole key of the present Bill was that, instead of its being the parent's interest to keep the child from school, and to dodge the compulsion officer, in order that he might earn a trifle, this Bill would alter the law, and not only make it the parent's interest to compel the child to go to school, but to question the child how he was getting on with his reading, writing, and arithmetic, because he would tell the child—"I want the help and support of your labour as soon as you become 10 years old." The effect of this clause would therefore be of the greatest importance, and he repeated it might be said to be the very key of the Bill. Of course, there must be certain exceptions to the clause. One standard lower would be accepted for a certificate where half-time had been secured under the Factory and Workshops Act, &c., Acts, and where any local bye-laws secured the attendance of children at half-time up to 13 years of age. He need hardly say, further, that it would be necessary to accept reasonable excuses such as were to be found in the Education Acts. The clause, for example, would not be enforced on parents or employers where there was not a public elementary school within two miles. The Government did not wish to take a pedantic course or to prevent the employment of children, who were attending school, in occasional jobs such as pulling turnips or keeping away the crows, and the Bill would not interfere with their casual employment at any odd times, so long as that employment did not interfere with their efficient instruction. The clause went on to make another exception with regard to the employment of children during the hay harvest, the grain harvest, and generally during the ingathering of the crops. This was a reasonable and a large exception; but it was necessary, in order to obtain the result they desired, to avoid anything like pedantry in the treatment of the children. The House might ask how the certificate was to be given. It would be a

great convenience to the employers of labour if they could simply say, when a child sought employment—"Where is your labour pass?" The employer in that case need not inquire whether a child had passed Standard IV., or whether he had satisfied the law as to the proper number of school attendances. All he would have to say would be, whether in town or country—whether he was a farmer, manufacturer, or any other employer of labour—"Where is your pass?" The question then arose how the child was to get this pass. It was proposed that the one certificate should be given by the teacher at examination, and that the State should supply a very simple card such as had been recommended by Mr. Redgrave, upon which should be stated the age of the child, and that this card should be given to him when he had either passed the standard or had made the proper number of attendances. This would be a great relief to the employers of labour, and especially to farmers, who would much prefer this labour pass to the duty now imposed upon them of asking children, it might be, three times over—"Have you got your certificate?" He was aware, with regard to the 10 years' limit, that it was very important, and the House would, perhaps, allow him to quote the evidence, which showed the necessity of establishing a general uniform age below which a child should not go to labour. Thus Mr. Redgrave was asked—

"Would you recommend a general uniformity of age for commencing labour on any account?" He replied:—"Certainly, including agricultural labour."

"What would be that limit of age?—Ten years, subject of course to exceptions in the case of trades, which I mentioned before."

"What are your reasons for selecting the age of 10?—Because it seems to be the general age which is selected throughout the country."

Mr. Redgrave also stated that children under 10 were little employed in agriculture—

"As to the question of agricultural labour, your belief is that there are hardly any children employed in agriculture at the age of eight?—The law says eight years of age; but the fact is no children are employed in agriculture at that age. In the Census Returns the numbers are as small as possible."

"They are employed at nine, are they not?—Very few indeed under 10. When Mr. Pell brought his Motion forward I went fully into

the question and prepared statistics for Mr. Cross, and I was surprised to find how very few children under 12 were employed in agriculture."

He had himself inquired very carefully into this subject, and although some children of less age might be employed in certain manufactures, the testimony as to women and children was that the best feeling of the farmers and the labourers was enlisted in declaring that under 10 no children need be habitually employed in agriculture. He now came to the enforcing authority. This would be, in the first place, the school boards, which might continue to exist, and which would have the same power as at present of enforcing more stringent provisions than would be found in the present Bill. They must not, however, go below its provisions. The other enforcing authorities would be the Town Councils and the Boards of Guardians, both of which might, if they pleased, act by committees. The Town Councils would be able to appoint a School Attendance Committee, and the Boards of Guardians might appoint a special committee for the Union, and also, if they pleased, for every parish in the Union. That was a matter for the local authorities to settle among themselves; but in all the regulated industries of the land—such as factories, workshops, and mines—the Government Inspectors, and not the local authorities, would enforce the Act. It would be undesirable that the employers of labour should be annoyed by the visits of two classes of Inspectors. The Government Inspectors would therefore alone be responsible for the working of the Act in these great industries. The House would wish to know how security would be taken that the local authorities should examine any deficiency on the part of the employers and look after the children. He proposed that the same strong powers should be taken as under the Education Act. The Education Department had the power of declaring the school boards in default if they neglected their duty, just as the Local Government Board had a similar power in regard to Boards of Guardians; and if the provisions of the Act were not carried out it would be the duty of the Department to see that this should be done for a period of two years. The responsibility would then again fall upon the local authorities. This default

was not, however, likely to occur, and he had the fullest confidence that the provisions of the Act would be carried out by the Town Councils and the Boards of Guardians. The Town Councils were well informed as to the wants of their respective boroughs, and no body of men were better acquainted with the needs of their districts than the Boards of Guardians throughout the country. There was still another point of great importance—the case of neglected children under 10 years of age. It might be said that this Bill held out a great inducement to this class of children to avoid labour and remain in idleness. On the contrary, he was not aware of any class of persons more intolerant of the idle, wandering, good-for-nothing class of children than Town Councils and Boards of Guardians. The employers of labour knew that these children generally came to no good. The ratepayers looked upon these children as certain to increase the rates, and the farmer viewed them as ne'er-do-wells, who robbed his orchards and became poachers afterwards. That was the class of child they had to deal with. He hardly knew what to call them; he would venture to use—not in the Act, of course, but in the observations he had to make—the old English term "wastrel." If it appeared to the local authorities that the parents of any child who was under the Act prohibited from being taken into employment continued habitually and without excuse to neglect to provide such reasonable instruction as would enable it to obtain a certificate, or such child was found habitually wandering about, it would be the duty of the local authorities to take certain steps, which he would presently explain. But those children were not to be dealt with under 10 years of age, unless there was a school within two miles reach, or if the child was kept away from sickness or any other unavoidable cause. But if no reasonable excuse could be given for absence, the local authority was bound to take this action—first, warn the parents of the wastrel children that they ought to be sent to school, or otherwise comply with the Act; and if the parent did not see that the Act was complied with he was brought before a Court of summary jurisdiction. Here came in the only direct compulsion in the Bill. The Court might then order regular

attendance in some school, and a fine of 5s. might be imposed. But whether a fine was imposed or not, the local authority might commit the parent, on further default, to an industrial school. [*Laughter.*] He meant commit the child; he was not sure that it would not do the parent good. Then they made an alteration with regard to the Industrial Schools Act, which they had been urged to do, and said that the managers, on the application of the local authority, might give a licence to the children to leave after one month, instead of 18 months. That had been strongly urged upon them by some of the school boards, which urged the temporary seclusion of the child in an industrial school without going to the extent of 18 months. The Bill made provision that any person might call the attention of the local authorities to cases of neglected children. The whole object, then, was pretty clear—they put the whole responsibility for the education of the children in the hands of the existing authorities in the locality; they had not only to carry out this Act, but they were responsible for carrying out the Industrial Schools Act, and in this way they hoped to strike a greater blow than had been hitherto struck at that class of wandering children who so long had been the despair of those who cared for their welfare. Now as to the modifications which they proposed to introduce. The Act would come into full operation in 1881. In 1877 children of nine years of age, and not those of 10, would be prohibited from employment. In that year the Standard which the child would have to pass would be only the second, and the attendances would only be for two previous years. For safe progress they felt it essential to begin very low, and he would strengthen that by quoting from the evidence of Mr. Redgrave, who was asked—

“Would you not be in favour of some educational standard to be exacted from the child at the age of 10, before he is allowed to go to work as a half-timer?”

He replied—

“I think you may be able to do that eventually; but, unless you had the very lowest possible standard, you could not do it now.”

This was fully borne out by the condition of the people in the great centres of industry. In 1879 and 1880 they

would rise to Standard III., and in 1879 the attendance would be required for three previous years, and in 1880 for four previous years. So in 1881 no child would be employed under 10 years of age, and not then without a certificate of having passed Standard IV., or of having made 250 attendances in five previous years. Before closing this part of his remarks, he would point out what Standard IV. did. It secured that a child could read with thorough intelligence, write small hand, and do the four rules of arithmetic and compound rules as far as money was concerned. He thought that was a very good outfit for the child. He might sum up as follows:—1, school boards as now, if desired or ordered; 2, direct compulsion, full or half time, if localities desired, in hands of existing authorities; 3, existing local authorities constituted as protectors and guardians of children to be superseded if in default as such. There were two or three subsidiary proposals which he had now to lay before the House. Those who were aware of the working of Government grants must know that there was one weak point which was felt by hon. Members on both sides of the House. The poorer districts had the least aid given to them. In places like Bethnal Green, where they could not ask for large fees, and where they could not get subscriptions, there the Government grant, however well the children might do—and, happily, in Bethnal Green, as among the agricultural children, they did very well—because they happened to be poor, was cut down. This was a matter that did not affect voluntary more than board schools. It was one of simple justice, or, rather, endeavouring to remove an injustice. They had endeavoured to find a test as to poor districts, and to see if they had any precedent to go upon. They looked into the Act of 1870, and they found there the definition of a poor district was where a 3d. rate on the property produced less than 7s. 6d. per child the extra Parliamentary grant was made to board, but not to voluntary schools. If they looked again at the Scotch Act of 1872 they would find that where the rate produced less than 7s. 6d. per child an Imperial grant was made. If they looked further into the Scotch Act they found that the relief was given to voluntary as well as to board schools in every

poor county, such as Inverness, Argyll, Ross, Orkney, and Shetland. They found, therefore, in those Acts something to guide them as to what had hitherto been considered to be a poor district. They took a somewhat similar standard of the poverty of a district, but they did not propose to go so far as the Scotch Act. They proposed that the Parliamentary grant in poor districts should not be reduced unless it was twice as large as the income produced from local effort. He would endeavour to show the House how that would work. In an ordinary district they gave £1 to meet £1 from the locality. In poor districts £1 would be given to meet 10s. If a school's maintenance was £120 now, they gave £60 grant to meet £60 fees, rates, or subscriptions; but in poor districts for £40 of fees, rates, and subscriptions they would grant £80. As to the poor districts, how did the Bill propose to deal with them? They would take London generally by Unions. In towns above 5,000 population they would take ward divisions, or areas with separate rates, or special divisions suggested by the municipal authorities approved of by the Local Government Board and the Education Department. Smaller boroughs would be dealt with as Unions, and the parishes would be the units of the whole country. This was the proposal which the Government had to make on this difficult and important question. They felt bound to try to meet a great injustice. The actual sum of money to be granted would not be very large, but it would be distributed in the poorer parishes where it was most needed.

MR. W. E. FORSTER: I am sorry to interrupt my noble Friend, but I do not quite see how the poor districts are to be defined.

VISCOUNT SANDON: Where a 3d. rate produces less than 6s.

MR. W. E. FORSTER: Perhaps there will be no objection to explain how in places where there are no school boards it is to be ascertained that a 3d. rate would produce only 6s.

VISCOUNT SANDON said, he had, perhaps, better ask the right hon. Gentleman to wait until he saw the clause. The point was a difficult one, but they had tried to face it, because they thought there was a real injustice and there seemed to be a precedent in former Acts.

With regard to existing school boards, it was proposed to remove what was believed to be a very great grievance. At present if a by-vacancy occurred in a school board, it was obliged to go to the expense of an election; and there was this additional anomaly, that while the principle of cumulative voting came into operation at a General Election, the effect of it was lost at a by-election, so that a gentleman who was elected under it to represent a particular section of the community if he died had not the chance of being returned at a by-election. [Laughter.] That remark was worthy of some of his hon. Friends in another part of the House; but, of course, it was understood that the party who secured representation by means of the cumulative vote had not the chance of doing so at a by-election. The cost of a by-election was also very serious, amounting in one town to £1,200 and in another to £1,500. To obviate this outlay and inconvenience it was proposed that a school board should have the power of filling up a casual vacancy. There was another provision which might be considered a tentative one. They had lately in their provisions respecting education acted on the system of forcing parents to drive their children to school, and also that the child might go to labour at the age of 10. They proposed that where a child took a double certificate—where a child at 10 years passed Standard IV. and also had a certificate of attendance for five years—they proposed to give it a honour pass. That would be a great encouragement to the more intelligent and orderly child. That honour pass would give the child a free education for the next three years. This was proposed as a mark of distinction more than a money benefit, and it was supposed that the number who would gain this honour pass would not be very large. All the middle class schools held out this sort of encouragement to deserving children, and the Government thought it would create a sense of emulation and dignity in many of the schools; and those who possessed a certificate of that character would occupy a somewhat higher position than the others. He had now gone through the principal provisions of the Bill, and desired only to make a few general remarks in conclusion. The country had set its mind on the instruction of the people as a necessity. It had

made sacrifices year after year, and yet those who were at the head of the Education Department had to admit that there were more than a million of children who were getting no species of education at all. Our system had been built up gradually. It had been the work of men of high intellectual attainments and of all shades of politics. It had been built up not only by politicians, but by that remarkable class of men—the Inspectors of Schools. They were a distinguished body, not only for the work they had done, but for the Reports which they had made. The school system had been built up not only by them, but by those in the Education Department, who, though not so well known, clearly deserved a meed of public praise. It remained now to put the coping-stone on this great work; and it must be done with caution and care, for if we attempted to overweight the edifice of which others had laid the foundation, we might endanger the stability of the stately building of national education. He would leave the Government measure to the judgment of the House; but he would claim for it certain qualities. While it was cautious, it was bold; it was comprehensive; it was straightforward; and happy would be the Government which should be successful in placing the coping-stone on this great work. He might say happy would be the Parliament which, in a sound and sensible spirit, reconciled the claims of the great industries of the country with the more pressing claims of the poor children. Whatever might be the fate of the measure, the more it was examined, the more, he believed, it would be appreciated. He hoped, at any rate, the House would never forget that they had to get rid of that great canker of gross and brutal ignorance which was a disgrace and a shame to our people. They had also to take care that the door was kept open to talent from whatever quarter it might come. Further, if the measure should pass, he would entreat hon. Members to remember it was not their business to depreciate the dignity of hand labour. While we held high the intellectual standard, let us not undervalue the labour of the hand as compared with that of the head. But, whatever legislation they might adopt, he hoped that nothing would be done to strike any blow at the religious teaching of the

people. He hoped and believed that would remain one of the main features of the education of this country. He wished he could express more than a hope; but he trusted that any proposals would be carefully watched which would tend to undermine the provisions for religious teaching. Further than that, they had kept steadily in view that, however great their wishes and aspirations might be, and however great their zeal for education might be, they must take care that they should do nothing to destroy that self-reliance, that independence, that sense of responsibility which in the past had nerved the nation to its greatest successes, and without which we could not hope for the vigour that would enable us to command the world in future. The noble Lord concluded by moving for leave to bring in the Bill.

MR. W. E. FORSTER said, that although the noble Lord had explained his measure in so full and able a manner, it would be difficult to understand it fully until it was printed and in the hands of hon. Members. For the same reason he could not say he had formed any positive opinion on it. He had heard with the greatest possible pleasure the opening remarks of the noble Lord, because they showed that he and the Government had fully comprehended what was required in an amending Act. They had attempted certainly to meet the attendance difficulty; but he was rather disappointed afterwards to find that the Government had not proposed to enforce by positive enactment the obligation upon the parent to see that his child was taught, but how far that might really be done by the clauses he could not tell till he had seen the Bill. He could not, however, mention the provision that no child under the age of 10 was to be allowed to work at all without expressing his gratitude to the noble Lord. He thought the country would be quite ready for that enactment; but he believed he understood the noble Lord also to say that no child above 10 should be allowed to work unless he produced a certificate of having passed a certain Standard, or of having made 250 attendances for the five years previous. There would be many children in that position, for there was a time—namely, the period between the ages of 10 and 13, when they had no right to say to a child that because his parent

had neglected his education, therefore he was to be idle.

VISCOUNT SANDON: Any child that is continuously, and habitually, and without reasonable excuse, not sent to school is to be dealt with by the local authority; so that is provided for.

MR. W. E. FORSTER understood the effect of that clause would be direct compulsion throughout the kingdom, and if they really enforced that duty there could be no objection to put it in a form that might render it more palatable to those whom it immediately concerned. He confessed, however, he was still of opinion that a great many of the difficulties of that part of the subject would have been met if his noble Friend had been ready to declare that there was to be an enforced attendance throughout the kingdom. There were other important provisions in the Bill of which it was impossible to form any distinct opinion until they saw the measure in print. With respect, for instance, to poor districts, how could they be ascertained where there was no Board? He looked with jealousy on the idea of giving up the principle that the locality must find as much money as the central Government. By relaxing this principle they would run great danger of establishing a bureaucratic system or of fostering extravagance in the districts, because they would be spending not their own money, but the taxes. Doubtless the Government would have regard to this difficulty. He was exceedingly anxious that an amending Act should be passed this year, and he thanked the Government for attempting to meet the difficulties of the case. He was so anxious they should be met that he was sure he could speak for a good many besides himself when he said that every assistance would be given to the Government to enable them to carry their Bill, if it really met these difficulties. While he was anxious that the second reading should not be unreasonably postponed, he yet hoped it would not be taken so soon as to deprive hon. Members of a fair opportunity of communicating with their friends on the subject.

SIR JOHN KENNAWAY said, he had listened with attention and with a great deal of interest to the statement of his noble Friend. He was glad his noble Friend had sought to meet the difficulty with respect to poor districts, which

at present were very badly pressed. The great defect of the Act of 1870 was, that by it the House abrogated its own responsibility as to religious education, and threw the question whether children should be virtuously and godly brought up upon the shoulders of a chance majority of local elections, decided possibly upon side issues, and liable to be disturbed every three years. It was a most important question to decide. He considered the children of the country should receive a religious education. It was not because their parents might be found indifferent to it that the children should be neglected. It might be said, why did they not provide for a religious education in 1870? He regretted that the Liberal Government, then in power and with a large majority, had failed to do so, and to make it a part of their policy. Things, however, had changed, and he hoped religious education would no longer be neglected. He would take the case of Birmingham, where there were 7,000 children in the schools who never had their minds impressed with a word of prayer. He trusted that the time had arrived when the school boards would be compelled to adopt religious education as a part of the instruction to be given to the children; for he quite agreed with the right hon. Gentleman the Member for Bradford in his speech at North Tawton, that parents generally were anxious that their children should be instructed in the Bible and the great truths of Christianity. He took it that the people of Birmingham were very anxious to have the question settled, and Parliament should decidedly step in and settle it. He thought the House might call on Her Majesty's Government to consider whether this important matter should not be introduced in the Bill. His noble Friend stated that the country wanted simplicity and uniformity in the matter of education. They had got it as far as regarded secular education: he called upon his noble Friend to go a step further and give it in the matter of religious education. His noble Friend was anxious to place the coping-stone on our educational system; but the system would not be completed unless that stone also were placed upon it.

MR. MUNDELLA said, he had listened with great interest to the speech of the noble Lord, and he hoped the House would aid in making the Bill as

complete as possible. But he confessed that he was disappointed in what he heard from the noble Lord in reference to the question of compulsion. The noble Lord expressed his apprehension that the whole scheme might break down if compulsion were enforced. But in Scotland they had universal school boards and universal direct compulsion, the result being that the Scotch were doing their work well, were educating their people, and everybody was content. He could not see why they should be lagging behind Scotland for the next few years, or why Scotland should possess advantages which England could not lay hold of. But whatever the noble Lord might do, he hoped he would not follow the advice of the hon. Baronet (Sir John Kennaway) and introduce anew the religious difficulty. The noble Lord said he would accept Amendments; and if that were wisely done, the Bill might be made the coping-stone which the noble Lord desired, but not if the recommendations of the hon. Baronet were adopted. He believed it was most desirable that children should be trained to a love of virtue and of God, and he felt that the school boards deserved credit for what they had done in that way. But if the noble Lord failed in that, he apprehended he would find himself in hot water. The noble Lord had stated it was the intention of the Government to repeal the Agricultural Children Act. He should be glad to know whether this Bill would also override the Workshops Act? [Viscount SANDON intimated that it would do so.] He thought that the noble Lord had adopted the right line in fixing 10 years as the minimum age for children to work; but he thought it would not have been difficult to have provided that during the period from 5 to 10 years, when the child could not work, the local authorities should take care that he should go to school. With regard to a certain standard of attainments, he thought that the educational certificate should set forth the age of the child, so that it should be ascertained by reference. Children were taught by their parents to be untruthful as to their age; and if a child in certain districts were asked the question he would reply—"Do you mean my school age or my factory age?" With regard to hand labour, he hoped the House would do

nothing to discourage it. It was of the greatest importance that children should be taught a good manual trade. It was not by education alone that they could all succeed. Look at France, for instance. A man with a certain amount of education in France got 20 francs in an office, whereas he would get 40 francs in the mines if he applied himself to the work or at the trade of a carpenter. The fact was that their education was defective. He heard a farmer in Devon object to education because, he said, if a young man could write nothing would do but he must be a policeman or a railway porter. If, however, all the young men were educated they could not all be policemen and railway porters. He asked the noble Lord to turn his mind to a country where every child was educated, and where every child passed not only the Fourth Standard, but the Sixth Standard. Switzerland, they were told, was likely to rival England in her manufactures. The Government in that country saw that no children should go to work until they were 14 years of age, and they were now bringing in a Bill for that purpose. He should be happy to assist the Government in making this a better Bill, and no Party consideration would induce him to throw any obstacles in its way.

MR. WHEELHOUSE asked one question, and would make one single appeal—Was it not possible for some further provision to be made in this Bill for the better education of blind and deaf-mute children? And he made the appeal on behalf of those little ones because, while they needed help even more than either sighted or speaking children; they were most of them unable to participate in the advantages of the former Act, although their parents necessarily had to contribute their full quota to the school-board rate wherever there was one, as well as to all other burdens local and imperial.

MR. CLARE READ understood from the speech of the noble Lord that the agricultural interest was to be placed on exactly the same footing as all other industries, as far as education was concerned. Now he for one, must protest against that, because, while all other industries could regulate their employment, it was impossible for agriculture to do it, because it was dependent on the weather and daylight. It was impossible

to apply the same rule to agriculture as to manufactures. What he particularly objected to was that no agricultural child should be put to work until the child was 10 years old. It was quite true, as had been said by the noble Lord, that children did not go to work habitually till that age, but the word habitually made all the difference. There was certain work on the farm which was done cheaper and better by children than by anybody else, and probably would not be done at all if they did not do it. The noble Lord had misinterpreted the provisions of the Agricultural Children Act. That Act did not provide that there was to be an alternative year's work and an alternative year's schooling. It laid down the principle that the schooling was to go on when the work was not going on. The Factory and Workshops Acts were originally passed to maintain the health of the children employed, but no such regulations were necessary in the case of agriculture, because the Royal Commission reported that the health of women and children employed in agriculture only suffered from exceptional causes, as under the gang system. The idea of half time in the agricultural districts was simply preposterous and ridiculous. It would never work. He should not have objected to absolute compulsion in the case of children from five years old up to the time when they were employed in agriculture; but he objected to what he understood to be the provisions of the Bill on this head, and did not think that Boards of Guardians in the agricultural districts would be the best persons to enforce these provisions.

MR. LYON PLAYFAIR quite agreed with his right hon. Friend the Member for Bradford (Mr. W. E. Forster), that it was inconvenient to discuss the Bill in its present form; but there was one important provision on which he should like to make a few observations—namely, the clause relating to what the noble Lord called “wastrels.” He (Mr. Playfair) understood that if a parent habitually allowed his child to become “a wastrel” he was to be fined 5s., and afterwards, if the fine proved ineffectual, the child might be sent to an industrial school. [Viscount SANDON: The child may be sent there without fining the parent.] Virtually, then, the child and not the parent would be sent to

prison, though it was the parent who was chiefly responsible. The industrial school was really a prison where children on the verge of crime were detained; and would the interests of education, which people should be led to regard as a good and worthy thing, be served by associating these children with others on the verge of crime? In his opinion, the whole system of industrial schools in this country was being carried out in a lax way, and it had been his intention early next Session to call attention to the growth of these schools as an ease to the poor rates, and to the unsatisfactory results there produced. The proposal of the Bill was a mode of bringing compulsion to bear upon the “wastrels” which he considered an extremely dangerous one, and one which would want more satisfactory arguments to recommend it than they had heard so far.

MR. A. MILLS insisted that the principle of sending children to industrial schools was not a new one. The London School Board were in the habit of sending hundreds of children to them, and the effect of the alteration proposed in the Bill would be to limit the period for which children were sent to these schools. Instead of being mischievous, therefore, the change introduced by the Bill would be a beneficial one. There was another point which required attention. Out of some 1,650 school boards in England and Wales, between 200 and 300 had no schools. It was now proposed to authorize Town Councils and Boards of Guardians to pass compulsory bye-laws; but if this were done, surely the people of the districts in which these school boards were situated should have some power of getting rid of them. He regarded school boards as a necessary evil; but where they existed without schools and compulsory powers were entrusted to other bodies, he failed to see why these boards should be allowed to continue. Again, about 260 school boards, including that of London, had passed bye-laws, not only allowing children to read the Bible, but giving them such religious teaching as was suitable to their capacity. Now, he did not want to rouse anything like a religious war; but did it not follow logically that in the schools where religious teaching was allowed the Government should take care that the results of this teaching should be tested by in-

spection, as in the case of reading, writing, and arithmetic? He wished to add his testimony of high approval of the Bill shadowed forth in the speech of his noble Friend.

LORD ROBERT MONTAGU said, he did not wish to find fault with the Bill which had been so clearly and eloquently described by the noble Lord, and which on the first blush seemed to be a most excellent measure. There were three points, however, on which he desired further information. If the Guardians and corporations were empowered to discharge the functions now exercised by school boards, the country would want to get rid of the school boards. He would, therefore, ask whether the noble Lord proposed to take a power of dissolving school boards? He understood the noble Lord to define a poor place as a place where if a rate of 3*d.* were imposed, it would not produce 6*s.* per child, and to say that for every pound raised the Government would give £2. This provision he approved very much indeed, because it tended to benefit the voluntary and religious schools. Again, he understood that if a child got a double certificate, the fees of that child were to be paid, not out of the rates, but by the Government. In the case of honour passes this was a good provision, but it was the first step towards free education, and in that light it deserved serious consideration. He wished to know whether any rules would be made respecting the school which the child should go to in such a case?

MR. HERMON said, he thought it was important that political economy should be taught in the schools, as the masses were liable to fall into error on that subject. At present the error was in the nature of a struggle between labour and capital. This was detrimental to the interests of the country, and he hoped the noble Lord would consider whether he could not provide some prize for proficiency in a study which would do so much good to the nation.

MR. KAY SHUTTLEWORTH said, he rose not to make a speech, but to deprecate the making of speeches at this stage of the Bill. The noble Lord (Viscount Sandon) had made his points so very clearly, that it would be easy to single out isolated points in the Bill, and discuss them. But such a course would not be useful. For until the House had

seen the Bill, and grasped the combined effect of these isolated provisions, it would be impossible to pronounce an opinion upon them. He hoped the noble Lord would be able to announce that the Bill would be in Members' hands within a day or two, so that ample time for consultation with friends and constituents would be allowed after the second reading. He would point out an error in the noble Lord's speech as to the provisions of the Agricultural Children Act, which required continuous schooling as a condition for continuous work, and not, as the noble Lord had stated, alternate years of schooling between alternate years of work. He would congratulate the noble Lord on having opposite him the right hon. Member for Bradford (Mr. W. E. Forster) who had had experience of the difficulties of the subject, and who, in common with all on that side of the House, would consider the Bill in a fair and impartial spirit.

MR. BIRLEY considered that this discussion was not purposeless and useless, as stated by the hon. Member who had just spoken, but that it would indicate to the Government the opinions of the House on the subject of the Bill. He wished to express his decided approval of the way in which the noble Lord had dealt with the question of compulsion. The religious difficulty was one which he believed could very easily be got over. He remembered that under the Revised Code of the right hon. Gentleman the Member for the University of London (Mr. Lowe) instruction in the Bible was one subject for which a grant could be earned. He much wished that that system were revived, as he believed it would meet the views of the vast majority of the community. He was of opinion that what was proposed in the Bill as to poor districts would really be a just measure of relief; and he trusted that they would all, on whatever side they sat, co-operate with a view to make the measure practical, useful, and satisfactory, not merely to the working classes, but to the nation at large.

COLONEL MAKINS said, he thought that it would have been well if the Canadian plan had been adopted. If compulsion, either partial or total, should be combined with heavy rating, education, instead of becoming popular, would

be considered by many people a very great evil. The only way of making education popular with this class was to make it cheap. Nothing was more remarkable than the waning popularity of school boards, and the weariness of school board elections. In the presence of the necessity of contributing to the rates for educational purposes, voluntary contributions were falling off to a very serious extent.

LORD FREDERICK CAVENDISH thanked the noble Lord for having adopted so many of the recommendations of the Commissioners, but thought that the measure of the Government, as shadowed forth by the noble Lord, was full of inequalities. He asked how far the noble Lord proposed to assimilate the educational provisions with the various Labour Laws, many of which were very dissimilar one from another? He understood that the general provision was that only children over 10 were to be allowed to work; but was it proposed that the different provisions of the Workshops Act, the Mines Act, and the Factories Act should all remain in force? He could hardly think that it was intended that all these different provisions should be allowed to remain. It was proposed that a child should be allowed to go to work who had passed a certain standard of education, or who had attended school a certain number of times; but might this attendance be in any school whatever? [Viscount SANDON: Public educational schools.] He was glad to hear it. Would the Bill extend to Ireland? And, if so, how did the noble Lord propose to deal with children who came over from Ireland to seek employment?

MR. PELL observed, that those who had laboured to secure that agricultural children should be educated and that the law of the land should be obeyed had had no easy time of it, and had not received as much assistance from the Government as he thought they might have expected. If all parties had long ago laboured honestly for the spread of education all the country over, there would be no need now for the stringent measures imposed upon them. The country party in that House had done their duty in this matter honestly; but he was afraid the result had proved the effect of their labours to be somewhat imperfect. He gloried in being able to

give his assistance to the promotion of the object in which they were now engaged, and hoped that when the Bill had been passed into law its provisions would be honestly carried out.

MR. WHALLEY said, he hoped that encouragement would be given by the Government to the use of training ships. These institutions were maintained by voluntary effort, and that kind of support would be stimulated and encouraged by the recognition of the Government and of Parliament being extended to it.

MR. J. G. TALBOT said, he thought that the voluntary schools had a right to sympathy on the part of the Government and of Parliament, for they had been doing the work of education when others had been only talking about it; but he did not find in the proposals of his noble Friend as much encouragement as he thought they deserved. Voluntary schools represented not only the principle on which the education of the country was conducted before the question became popular, but also the principles of economy and the strong religious feeling of the country. There was no security that religious education would continue to be given in board schools, which were managed by boards variously constituted and armed with the power to stop religious education at any time in the schools over which they had control. In the voluntary schools alone was there security for permanent religious instruction, and he hoped that the noble Lord would not turn a deaf ear to the Amendments which would tend to improve the condition of voluntary schools. He thought that some explanation was required in reference to the system of giving relief to poor districts. Would a school in a poor hamlet be assisted though the parish might not itself be poor? The question as to taking power for the extinction of boards also deserved attention, and a provision to that effect ought to be included in the Bill. Again, he should like to know whether "honour passes" would be given in voluntary schools; and, if so, from what fund they would be provided?

MR. SAMPSON LLOYD thought the present mode of conducting education in board schools did not provide for the simple and unsectarian religious instruction that all must desire to see afforded, and he hoped the attention of the Go-

vernment would be directed to this point. Comparing the number of children attending voluntary schools with the number attending board schools, he contended that the voluntary schools constituted the national system, and that it was the board schools rather than the voluntary schools that should be regarded as a "temporary expedient," and that on these grounds the voluntary schools deserved the careful consideration of the Government and the generous support of the House.

MR. DIXON, said, it was quite competent for Birmingham or any other district to have religious teaching in the schools if they thought it desirable. There were voluntary religious schools within reach of the children attending the board schools, where parents could send their children if they wished them to be taught sectarian religion at school; and if they did not avail themselves of those schools their not doing so showed that they did not value them so highly as had been stated. The burden of the religious instruction given in Birmingham board schools devolved upon the members of two or three leading non-conforming sects, the members of the Church of England having stood entirely aloof from it. There had not been sufficient time to form an opinion of the work that was being done under these difficulties, and therefore he hoped the House would suspend its judgment upon that experiment. He asked when the Bill would be in the hands of Members, and he expressed a hope that time would be given for the country to consider its provisions.

VISCOUNT SANDON said, that in the guarded criticisms which had been passed upon the Bill he could not help noting an under current of feeling in its favour, and that was, perhaps, more full of promise than an enthusiastic chorus of approbation. The Bill would be in the hands of Members on Saturday or Monday—he could not absolutely promise it on Saturday, owing to an accident which had befallen the draftsman—and the second reading would be fixed for the 12th June. As to the virtual repeal of the Agricultural Children Act, he had already expressed his sense of the service done by it. The hon. Members for South Norfolk (Mr. Clare Reed) and South Leicestershire (Mr. Pell) were pioneers who had achieved success, and if this

Bill passed, it would be partly owing to the work they had done. The Act was a good measure for its purpose, but it was not one that could be expected to be permanent. He would remind the House that the proposal to commit "wastrel" children to industrial schools would only take effect in the last resort. Of course, the the Bill did not contain any provision for the abolition of existing school boards; if it had, he should have been certain to mention it. He did not see that the honours pass entitling to free instruction would tend to free education any more than Exhibitions and Scholarships at the Universities, in the middle-class schools, and in the schemes of the Endowed Schools Commissioners. The teaching of political economy or any other subject in the schools was a matter to be dealt with in the Code. The hon. Member for Manchester (Mr. Birley) had made suggestions which were highly valued by the Government. The 10 years system would apply to the whole of the country. No existing Act or power of local authority could put the children in a less advantageous position as regarded education than they would be in by this Bill; but the Bill would not interfere with existing provisions which put them in a better position, nor would it prevent local authorities making further provisions for education. He thought the noble Lord (Lord Frederick Cavendish) who asked whether the provisions of the Bill would extend to Ireland would agree with him that it would be dangerous to undertake an Education Bill for England and Ireland at the same time. In reply to the hon. Member for South Leicestershire (Mr. Pell), he must remark that it would have been unwise of the Government to have introduced fresh legislation with regard to the agricultural children until it was seen how the recent measure operated. The object of the present measure was to cast responsibility as far as possible upon existing local authorities, which would add to their importance, while its effect would be to reduce the cost of getting children into the schools to a minimum. The hon. Member for West Kent (Mr. J. G. Talbot) had referred to the grave and important subject of religion; but the House would see that that was not a matter on which he ought to touch at the present moment. The Government were much indebted to the hon. and gal-

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lant Member for South Essex (Colonel Makins) for having sent them a very important scheme, and he was sorry that he could not now go into the reasons that had induced them, after very careful consideration, not to accept it. The expense of the "honour passes" would be but small, while the proposal would operate very beneficially upon promising children. Should the attempt fail, it would die a natural death at the end of five years. In conclusion, he thanked the House for the very friendly reception they had given to the measure, and he trusted that hon. Members would consider the Bill very carefully as soon as it was in their hands. He could assure the House that Her Majesty's Government would be prepared to give all Amendments which were in harmony with the main principle of their Bill their very best attention. On the whole, he hoped they would be able to pass a measure which would be perfectly satisfactory to the parents of children, to the employers, and to the country generally.

MR. STORER said, the compulsory attendance of children at school in the agricultural districts until they were 10 years of age would give great dissatisfaction in the agricultural districts, because it would greatly reduce the incomes of poor persons, many of whom were widows with barely sufficient means to maintain their families. It would also be very inconvenient, and create an increase in the amount of wages to be paid for labour. He hoped the noble Lord would re-consider that provision of the Bill.

Motion agreed to.

Bill to make further provision for Elementary Education, ordered to be brought in by Viscount SANDON, MR. CHANCELLOR of the EXCHEQUER, and Mr. Secretary CROSS.

Bill presented, and read the first time. [Bill 155.]

CUSTOMS AND INLAND REVENUE BILL.

(Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith.)

[BILL 124] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(Mr. Chancellor of the Exchequer.)

MR. J. G. HUBBARD, in rising to move the Resolution of which he had

given Notice, observed, that on the 31st of this month there would be not only the famous equine contest of the year on Epsom Downs, but on the same day would be celebrated the Centenary of the publication of Adam Smith's *Wealth of Nations*. A distinguished Finance Minister of former days would take the chair at that celebration, and another distinguished Finance Minister would discourse with eloquence upon the sagacity, wisdom, and truth of the principles inaugurated by Adam Smith. He would seriously invite the distinguished men who proposed to be present upon that occasion to give their opinions to the House on the subject now under consideration. Adam Smith had laid it down that the people of a State ought to contribute towards its expenses as nearly as possible according to their respective abilities—that was to say, in proportion to the incomes they respectively enjoyed under its protection. The proposals now made in regard to the Income Tax he regarded as being in direct violation of that maxim. It had been suggested that in proposing those additional exemptions and remissions the Government were seeking to gain popularity; but popularity hunting was the resort of feeble and expiring Administrations, and, judging from recent divisions, the present Government was strong enough to stand upon its convictions of what was right, without condescending to unworthy compliances. He found the explanations of those proposals in the warm sympathetic sentiments of the Chancellor of the Exchequer. That right hon. Gentleman had told them that the persons who would be specially benefited by those remissions would be the struggling members of certain professions, including clergymen and clerks, widows and unmarried daughters. If the right hon. Gentleman had meant industrial struggling by brain or hand, he could have agreed with him; but by including widows and unmarried daughters he meant also social struggling to obtain more comforts and enjoyments than their means afforded. He (Mr. Hubbard) maintained that while it was the part of legislation to give every possible relief to struggling industry, it was not the part of legislation to attempt to equalize the gifts of Providence. The principle of the Income Tax required to be well understood. Being a tax levied

for the benefit of the whole community, it should be levied upon everyone in the same proportion, so that his means remained proportionately the same as before. There were certain qualifications to be applied to that special rule. The means of subsistence with regard to unskilled labour must be considered. In the earlier periods of the Income Tax a deduction of £50 was allowed as being the measure of the cost of subsistence for unskilled labour. Subsequently that deduction had been raised to £60, and at the last revision of the tax it was still further raised to £80. That limitation of £80 was, in his opinion, most liberal, for £80 a-year was rather more than 30s. a-week, and, as everybody knew, 5s. a-day for unskilled labour was ample compensation. He knew of no sound argument either in favour of carrying the total exemption from the tax up to incomes of £150 or in favour of extending the benefit of the deduction to incomes of £400. It had been argued that whereas artizans earning £3 a-week or £150 a-year, were mainly untaxed, they should remain untaxed; but that the same exemption should be carried into other incomes of £150 a-year also. He differed from the assumption which laid at the bottom of that argument. He knew that in certain establishments mechanics receiving about £3 a-week had to be returned by their employers to the Inland Revenue Office, and they were not untaxed. It was absurd to say that these exemptions ought to be made because of the increased cost of living. With respect to the area over which direct taxation would range if the changes proposed by the present Government were carried into effect, taking the Income Tax under Schedule D, he found that 437,000 had been charged Income Tax, and of these only 220,000 were paying on £100 and upwards, and the result of the Chancellor of the Exchequer's proposal would be still further to reduce the number who would be taxable. Look, again, at the stockholders under Schedule C. The number of these was 231,000. The number of those paying under £100 was 192,000, but the proposition of the Chancellor of the Exchequer would reduce the 39,000 now taxable by 12,000, and only 27,000 would in future be liable to taxation. If they turned from the funds to the land the conclusions were equally

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unsatisfactory, for it might be calculated that there would be a great diminution in the number of landowners of the country liable to taxation if this scheme were passed. Here was a population of 27,000,000, half a million of whom were the chief contributors to the taxation of the country, while, at the same time, the number of electors was 2,500,000. How did this tally with the maxim so constantly urged upon them that there ought to be an affinity between electoral privileges and contributions to the taxes? Why should the line be drawn so as to include only one-fifth of the whole of the electors? If a sweeping change were to be made, all these questions should be gone into. The tax as it stood was bad enough, but the Chancellor of the Exchequer was going to render it still more mischievous, and he thought the House ought to express its opinion in such a way that the Government might be led to re-consider its position. If this Resolution were carried the Government and the House might take such steps as they deemed to be necessary for the public interest. If they withdrew the exemptions, they might either reduce the amount of the tax as it stood, or make the proposed concessions in some other way. There was hardly any alternative that he would not prefer. Besides, the introduction of these exemptions would lead to great administrative inconvenience. The assessors of Income Tax now knew very well who were entitled to relief; but if fresh lines were drawn, new difficulties and new conflicts would arise. This was an occasion when Party predilection should give way to a sense of justice. He would earnestly entreat the House to vindicate on that occasion the principles of the great political economist whose centenary was about to be celebrated. In conclusion, he asked the House to rescue their legislation from the danger of Socialism.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is inexpedient to extend the range of absolute exemption from Income Tax to incomes of £150, and to extend the limit of partial exemption from incomes of £300 to incomes of £400, inasmuch as these additional exemptions would injuriously affect the equitable proportion in which all incomes of like nature should be assessed,"—(*Mr. Hubbard*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. LAING said, he must give a preference for the scheme proposed by the Chancellor of the Exchequer. The view which they took of exemptions would, of course, be influenced by the opinions they held as to the desirability of the Income Tax being permanent or not. He thought those who, like himself, believed that the Income Tax was an essential and a vital part of our financial system, and that it was desirable to retain it at a moderate amount as a great instrument of financial power, would generally be found in favour of exemptions, thus throwing overboard some of that unpopularity which affected the principle of the tax generally and putting it upon a more secure foundation. As regarded the principle of exemption, he thought the fallacy which ran through the argument used against it was that it seemed to be assumed that the whole taxes of the country were levied direct. A great portion of our Revenue was raised by indirect taxation, and when they came to the lower scale of incomes, especially of the labouring classes, in point of fact they spent a larger percentage of their incomes in articles which paid taxation than the man of larger income did. One great argument in favour of the Income Tax was that the tax was an instrument of great national power. By the simple expedient of adding 1*d.* in the pound the Government could easily raise a larger sum than foreign countries could obtain without great stress and inconvenience. The other great argument was that the tax was the means by which they could in tolerably fair proportions equalize the incidence of taxation upon the middle and lower classes of the community. The broad conclusion was that with an Income Tax producing £5,000,000 direct taxation the equilibrium between direct and indirect taxation on the different classes was very fairly maintained. If they abolished the Income Tax, they would destroy that equilibrium. The exemptions, then, he viewed as made on a fair basis and not on any Communistic principle. That being so, it seemed to be a simple question of degree whether they should draw the line at £100 or £150. He desired

the Income Tax to be maintained, and he therefore wished to relieve it from the unpopularity which attached to taxing a large number of small incomes for the sake of realizing a comparatively small amount. He had been alarmed ever since the right hon. Member for Greenwich (Mr. Gladstone) proposed the repeal of the Income Tax as part of the programme with which he appealed to the country at the last General Election, and, entertaining this alarm, he desired to defend the citadel of our financial system by every fair and legitimate means. It was consistent with principle and precedent to go back, as they were doing, to what might be called the old and accustomed limit which accompanied the tax for a series of years, and which had the authority of eminent statesmen in its favour. Under these circumstances, he should give his vote against the Motion of the right hon. Member for London.

MR. SANDFORD said, the right hon. Gentleman the Member for Greenwich had asserted that he was opposed to the existence of the Income Tax, and the hon. Member for Birmingham (Mr. Muntz) had in a letter which was published in a newspaper stated that he did not know a single person who was a friend to the Income Tax. He begged to undeceive the hon. Gentleman, for he (Mr. Sandford) was a friend to that tax, and he should be sorry to see property relieved of it and an equivalent burden thrown on Customs and Excise, or, in other words, on the shoulders of the working classes. When the tax was originally imposed by Pitt it was a graduated Income Tax; and it was altogether too late to say that exemptions from it rested on principles of socialism. Exemptions had been adopted by every Parliament and by every Minister by whom the tax was laid on. In his opinion the principle of exemptions was only just, because wealth did not contribute its fair share to the taxes of the country. The burden of the tax fell most heavily on the possessors of small incomes which did not rise with the price of commodities when the wages of working men did rise. Even indirect taxes were levied with some unfairness. Inferior tobacco paid 100 per cent, and the better class of cigars from 10 to 20 per cent; cheap claret paid 15 per cent, and the better quality 2 per cent; beer paid

50 per cent; spirits, 100 per cent; inferior tea, 23 per cent; and superior tea, 10 per cent. Thus the burden of indirect taxation fell unequally on the poorer classes, and it was only stern justice to exempt them from the Income Tax. He would have preferred that the Chancellor of the Exchequer should have exempted altogether incomes under and up to £150, and should have taken off £120 from incomes up to £400; but as they had so many amateur Chancellors of the Exchequer he would not add another to the number, and would support the proposal of the Government.

MR. MUNTZ said, he was the last person who would wish to abolish the Income Tax, although he certainly desired to keep it as low as possible.

SIR GEORGE JENKINSON said, that the question to consider was why the extra 1*d.* had been placed upon the Income Tax, and how the surplus to be obtained from it should be applied? In about six years nearly £7,000,000 of taxation had been removed from sugar, and 68,000,000 lb. in 1874, and 97,000,000 lb. in 1875, had been used for brewing. This had been caused in a great degree by the malt duty increasing the price of malt. This and other remissions that had been made would mainly benefit those who would come within the proposed exemption from the Income Tax. During the past four or five years some £3,000,000 had been added to local taxation, and the people who paid that had the first claim to the benefit to be derived from any surplus that there might be in hand. If the right hon. Gentleman carried his Motion to a division he should feel very much inclined to support him.

MR. DODSON looked upon this question of abatement and exemption from the Income Tax as one of a very serious character and he was very glad that it had been raised. He believed that there was a considerable amount of opinion upon both sides against these exemptions. No doubt the effect of them would be to create favour for the scheme of the Government for the increase of the tax; though it was possible, as had been alleged, that the proposal of these concessions had been made entirely upon its own merits. If, however, this was so, why was it not made in 1874, when the Government had a magnificent surplus of £5,500,000, the legacy of their prede-

cessors, and reduced the tax from 3*d.* to 2*d.* It looked very like a bid for favour that when the Chancellor of the Exchequer added to the aggregate amount of the Income Tax, two out of three persons who paid under Schedules D and E would pay less when the tax was increased than they paid at the present moment, whilst the remaining one-third would pay more. The right hon. Gentleman the Member for the University of London (Mr. Lowe) made exemptions, but he made them on behalf of a more necessitous class, and when he had a surplus, when he was reducing the tax and giving relief to all who had to pay it. But it was difficult, if not impossible, to find a principle upon which the proposals of the Chancellor of the Exchequer were to rest. The right hon. Gentleman proposed to extend exemption from Income Tax to all incomes under £150 a-year. The reason assigned was that wages had considerably increased, so that more wage-earners came within the range of the Income Tax as it at present stood. It seemed to him a very odd kind of proceeding because men's wages were raised, and their incomes were increased, to exempt them from the payment of the Income Tax. And what was the reason why the Chancellor of the Exchequer had fixed on £400 as the sum below which the abatement was to be made? The right hon. Gentleman seemed to think that a man having a pound a day ought to have an abatement, but that to place the figure at £400 would look better. His right hon. Friend the Member for Greenwich (Mr. Gladstone), and the Chancellor of the Exchequer, concurred in viewing the Income Tax as an "emergency" tax to be resorted to in time of war; or urgent demand. The right hon. Member for Greenwich had contemplated abolishing it altogether in ordinary times; while the right hon. Gentleman preferred to keep it alive at a low figure, holding that it was important not to destroy its structure. But then it should be maintained as an efficient structure, not only actually but potentially. What, however, was the plan before them? The changes proposed by the Chancellor of the Exchequer involved, as he told the House, a surrender per penny of the tax of £130,000 a-year. But if an emergency arose and they had to raise the

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tax to 1s. the loss would amount to £1,560,000 a-year; and if they had to raise it to 1s. 6d., it would amount to £2,340,000. But if to the proposed exemptions and abatements they added existing exemptions and abatements, which the right hon. Gentleman the other night told the House were £150,000 per penny of the tax, the total surrender would be, on a 1s. Income Tax, £3,432,000 a-year; on 1s. 6d. Income Tax, upwards of £5,000,000. Another objection to undermining the tax, besides diminishing its productiveness, was that the more they made it a tax which was to be voted and imposed by the many on the few, the more the objections which the many would have to war or other extraordinary expenditure would be diminished. Sir Robert Peel fixed the Income Tax at £150 when many articles were subject to taxation, which since that time had been made free. Therefore, men were in a better position to pay the tax. Did the right hon. Gentleman consider the need for the addition to the tax transitory and confined to this year? If so, he ought to beware how he undermined the structure of the tax on account of a million or so which he wanted for a particular year. But if the right hon. Gentleman did not consider the need temporary, but saw the tide of expenditure rising against him, still more ought he to beware how he undermined the structure of the tax, because in that case he might require next year another penny. If the Income Tax was to be kept alive at a low figure in ordinary times in order that they might resort to it in an emergency, it must be kept alive on a broad basis, in order to make it as productive as possible, without invidious exemptions and distinctions. It might be that such exemptions were popular, and that at this time of political apathy the classes who were injuriously affected by them were indifferent. But it was the duty of Members in that House to look beyond the popularity of the moment, and not to be apathetic, but to consider the ulterior consequences of these exemptions. The representations of the Opposition might be ineffectual; but it was all the more incumbent on Members opposite who held the same opinions to express them freely, because, by so doing, they at all events might hope to influence the Government.

MR. W. H. SMITH said, he thought there was considerable difficulty in ascertaining the exact issue raised in this interesting debate. The arguments put forth with so much force by his right hon. Friend (Mr. Hubbard) told against there being no exemptions whatever rather than against the particular ones recommended in the Bill now before the House. Up to the present time, however, so long as there had been an Income Tax at all, there had been exemptions. Every Government who had been responsible for an Income Tax had felt that to propose to tax the lowest form of income—that arising from labour—was to propose something which could not possibly be carried into practical effect. Sir Robert Peel exempted incomes under £150. The right hon. Gentleman (Mr. Gladstone) having made great changes in other taxation, by which the lowest incomes were benefited, brought down the exemption to £100. Another right hon. Gentleman (Mr. Lowe) gave some relief on incomes up to 300 a-year. The principle, of exemptions, therefore, had been recognized by every statesman and every Chancellor of the Exchequer who had dealt with the Income Tax up to the present time, and the question now was not whether there should be any exemption, but whether the particular proposals in the Bill were so radically bad that the House should reject them altogether. The right hon. Gentleman (Mr. Hubbard) said it was improper that any class of the community should escape taxation, and there was no Member on either side of the House who would not heartily concur in that principle. But even if it were desirable to do so, it was admitted to be practically impossible to get at the wages of labour. The suggestion had been thrown out that the Government might go to employers, and not only ascertain the amount of wages paid, but, through them, stop the Income Tax on the weekly earnings of working men in their service. Now, it was not within the power of the employers to make any such stoppages, and he was quite satisfied that to attempt to carry any legislation of this kind into practice would end in miserable failure. Strong as the statement might appear, he believed it absolutely impossible to collect an Income Tax from labour throughout the country. You could not

reach a labouring man, because his weekly wage was not based on the certainty of annual employment. For a week or a month he was employed in one place, and then he disappeared, to be employed in another place, or not to be employed at all for some time. How could you fairly deduct from such a man a given proportion of his weekly wage? If, then, it was impossible to tax weekly wages, even though these might amount to £150 a-year—and of late working men's incomes often came up to that sum—surely it was most unfair to tax the clerk and struggling professional man upon incomes of no larger amount? If so, it was not unfair to extend the existing exemption to £150, and thereby the object of the right hon. Gentleman (Mr. Dodson) was met, for much was done to keep alive the Income Tax for future use in times of emergency by fixing it on a basis which was just and reasonable in itself, and which excited no opposition in the country. The right hon. Gentleman suggested that if the tax were raised hereafter in time of war to 1s. in the pound, exemptions would amount to a very large sum, and the productiveness of the tax would be greatly impaired. But would the Income Tax be the only tax to which the Chancellor of the Exchequer would have recourse in such an emergency? In such an emergency the Chancellor of the Exchequer would have to say to the House—"There are other indirect taxes which must be considered, and other sources of income which the House must be asked to provide for us;" and these taxes would fall directly and immediately on the persons of small incomes who would be exempted from the direct payment of Income Tax. Had any calculation ever been made of the proportion of taxable articles that must be paid by the father of a family who consumed tea, malt, and spirits, who lived in a house which paid house tax, and who was liable to rates and the other charges incident to a small income? The course which the Government asked the House to adopt would, he believed, be justified by the result. It might be true, as the right hon. Gentleman had remarked, that some people would pay less than under the present system, but the question was whether, on the whole, the adjustment was a reasonable and a proper one. In various ways exemptions from taxation had been re-

cognized by the House, with a view to relieving those who were not too well off in the world, and he hoped, therefore, that the proposals of the Chancellor of the Exchequer would be accepted.

SIR WALTER BARTTELOT said, the Secretary to the Treasury had made out an excellent case for absolute exemption up to £150, which used to be called the territory of labour, and which ought to be excused, but he had not said one word as to the proposal of the hon. Member for the City of London (Mr. Hubbard) against extending the exemption from £300 a-year up to £400, which was the real question now before the House. He wished to say that he thought it was an extremely inconvenient practice to bring forward Resolutions in a Budget, and get the House to accept them before they had the opportunity of discussing them when embodied in a Bill. If there had been a previous discussion, much of the difficulty which they must all experience in dealing with this question would have been avoided. For himself, he would say that he had always been in favour of a general rule of taxation and no exemptions; but the Income Tax was of an exceptional character in itself. They had admitted that there should be certain exemptions, and everyone knew that the greatest hardship was felt by the small payers of the tax. Incomes of £100 and £150 felt the pressure excessively, and there should be no cavilling up to that amount, but there he thought the Chancellor of the Exchequer should have stopped. He saw no reason why the limit which had been partially carried up to £300 should now be extended to £400. The exemption of the lower class of incomes—which were, in fact, mere living incomes—was no doubt a great advantage, especially in rural districts, where people knew each other's affairs, and where there was a dislike to appeal for remissions or reductions. The result was that the assessors were in the habit of gradually and steadily increasing the amount of the tax without any real reason for doing so, and the taxpayer submitted in silence. He was an Income Tax Commissioner, and when those additions were made he always called upon the assessors to show on what ground they made the addition, without asking the taxpayer what he had to allege against the increase. It was most unfair and unjust

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to keep on increasing the tax on the simple responsibility of the officer without knowing whether or not he had just grounds for doing so. While he perfectly agreed in the entire exemption of incomes under £150, he saw no reason why there should be even a partial exemption up to £300, and if they assented to the proposal of the right hon. Gentleman the Chancellor of the Exchequer he would ask—why not extend the partial exemption to £500?

MR. THOMSON HANKEY maintained that there should be only one real ground of exemption—namely, the difficulty of collecting the tax after it had reached a certain low figure. He declared that all exemptions were objectionable and vicious. He had that day been sitting for three hours in the City of London receiving appeals from householders who claimed to be rated to the Inhabited House Tax at 6*d.* instead of 9*d.* in the pound or totally exempted. He agreed with the hon. Baronet (Sir Walter Barttelot) that there were no good grounds for a partial exemption up to £300; and if the exemption was extended to £400, why not to £500, to £700, or even to £1,000? If they did that they would ruin the Income Tax, and adopt the dangerous and revolutionary principle of a graduated tax.

MR. GOSCHEN said, he thought they were greatly obliged to his right hon. Colleague (Mr. Hubbard) for having brought forward this most important question. The Secretary to the Treasury had not, in his opinion, done justice to the Government by confining his argument to the case of the small taxpayers, and leaving untouched the different case of the larger taxpayers, except by saying that they could make their wishes known in that House, while the smaller taxpayers could not. That appeared to him to be a very dangerous argument indeed. The House should in all cases decide on the taxation necessary to meet the wants of the country, and then levy it equally, without any reference to the representations of classes or interests who might have the power of making representations to that House. The hon. Member admitted that logically there should be no exemption at all; but he argued that all Governments had admitted the principle of exemption in the case of the smaller incomes. That

was true; but the novelty in this case was that the Government proposed to carry the figure at which exemption would end to a higher point than it had ever been carried before, while, at the same time, the income taxpayers above that point were to pay additional taxation. He did not see how that course could be justified—to increase the taxes of one class at the very time when they were decreasing the rate of taxation in another. The figures placed before the House by his right hon. Friend the Member for Pontefract (Mr. Childers)—and they had not been challenged—showed that the number of persons who would be benefited by the plan of the Government were 400,000, while there would be only 170,000 above the line of £400—that was to say, that the great majority of the payers of Income Tax under Schedules D and E were to have a remission of taxation at a time when about one-third were about to have the charge upon them increased. Finance of that kind was, he maintained, dangerous and impolitic, and by no means Conservative. Indeed, he must call the proposed exemptions not exemptions at all, for they would, so far as numbers were concerned, be the rule. Now, according to the statements of the Prime Minister, as quoted by his right hon. Friend the Member for Pontefract, an increase in direct ought to be paralleled by an increase in indirect taxation, and that argument the Chancellor of the Exchequer had attempted to parry by saying that it was one which might be applicable when the Income Tax stood at 4*d.*, but not when it was only 2*d.* in the pound. It struck him, however, that the principle that where there was a general increase of taxation it was desirable that it should be felt by as many classes in the community as it could be made to cover, and not that it should be levied on one particular class, was applicable to both cases. That was the interpretation which he put on the statement of the Prime Minister that direct and indirect taxation should proceed together, while the way in which the Government acted up to that statement was by proposing that there should be an increase in direct taxation only, and that the addition thus made should not be paid by all taxpayers who contributed to the Income Tax, but by a portion of them only. He could not help thinking

that, although the Chancellor of the Exchequer might, as was said, be disposed to be warm and sympathetic, it was scarcely the time to exhibit those feelings towards one class of the community when he was putting the screw upon another; and the circumstances were, he contended, now very different from those which existed in 1853 and in 1873, when remissions of taxation were made. He regretted, he might add, that any man occupying the position held by the Secretary for the Treasury should have admitted—for his language amounted to that—that, although there might be large remissions of indirect taxation, greatly benefiting those on whose behalf they were made, nevertheless, even in time of war, it would be impossible to retrace the step with respect to the Income Tax which the Chancellor of the Exchequer now invited the House to take. He did not know whether the hon. Gentleman had seen in the newspapers that the question was one which had been debated in the colonies, in France, and in other parts of Europe. If so, he should like to ask him whether this country was to set the example of an increasing class of exemptions with the view to relieve those whose incomes were between £100 and £150 a-year? For what did the Government want the additional 1*d.* of Income Tax? They did not want the whole sum to provide for additional expenditure. The Chancellor of the Exchequer admitted that he required this additional 1*d.* in order that he might have a surplus to redeem the promises he had made in providing further relief for local taxation during the present year and next year. The House was, therefore, going to vote the additional 1*d.* of Income Tax partly to meet a deficit, partly to meet prospective promises in the relief of local taxation, and partly in making exemptions in order to render the Income Tax more popular. The hon. Member for Orkney (Mr. Laing) said that the Government threw overboard the unpopularity of the Income Tax by these exemptions, and that opinion was endorsed by the Secretary to the Treasury. They had, therefore, come to this—that in their present state of prosperity, with a Conservative Government in power, having at their command a majority of 100, they could not maintain an Income Tax except by cutting

off from liability all incomes below a certain amount. They were so afraid of imposing taxation on those on whose votes they relied for maintaining that majority that they had recourse to this immoral and dangerous proposal. Although he indulged at times in a little Party language—[*Ironical cheers*—just as the cheers he now heard were Party cheers, and just as hon. Gentlemen opposite also occasionally indulged in a little Party language—yet they must admit that he had to-night abstained from saying anything of a Party character. He had only supported one of his Colleagues for the City, and he had used no stronger language than his right hon. Friend had done. He confessed he did not think the proposal of the Government was either wise or Conservative. Was it Conservative to say that they would relieve the majority, on whom until now it was a responsibility to pay this tax, and to throw it upon the minority? Was it a Conservative proposition to say that, because a Party was able to make itself heard in that House, therefore they would deal differently with them from the rest of the community? He had never heard a less Conservative proposal. He would freely admit that it was a philanthropic, a warm, and a sympathetic proposal, but it was not Conservative. It was not advisable to introduce too much philanthropy into politics. The proposal of the Chancellor of the Exchequer might win the Government considerable applause, but philanthropy in finance was thoroughly dangerous. There was no step more likely to promote democratic agitation than to grant exemptions which would lead to demands for further exemptions, in which there was no principle and no bottom, and which could be argued from precedent to precedent until they reached that graduated Income Tax which was the dream of many Socialists and Communists. If those observations were warmer than those with which he commenced his speech it was because hon. Gentlemen opposite wished that a warmer character should be given to his observations. He would admit that his right hon. Friend and Colleague had made an unpopular proposal; for no doubt among the 440,000 persons exempted there were probably an immense number who were borough electors. Well, he would share in his

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right hon. Friend's unpopularity, and, should he go to a division, he would gladly "tell" with him, so that, irrespective of political differences, two Members of the City of London might on this occasion make a protest against the proposal of the Government.

THE CHANCELLOR OF THE EXCHEQUER said, he was sure no one could object to the tone of the speech of the right hon. Gentleman who had just sat down—that it certainly could not be objected to on the ground of its having infused a little life into what had been for some time a rather dull debate. The speech of his hon. Friend the Secretary for the Treasury, which was of a reasoning and temperate character, did not compare in vivacity with some portions of the speech of the right hon. Gentleman, but no one could object to Party feeling in that House. He thought they were a good deal too scrupulous in the matter, for he did not see why persons engaged in the conduct of business which raised questions between Party and Party should be so very squeamish about using language of a Party character. There was, however, one thing to which he did object in the speech of the right hon. Gentleman, and that was when divesting himself of a Party character he put himself in the position of a Conservative, and from that point of view spoke on the question now before the House. Now, throughout the whole of this discussion, and especially so in the speech of his right hon. Friend the Member for the City of London (Mr. Hubbard), they ran the danger of falling into a kind of argument which was both dangerous and inconvenient. They had been promulgating theories which, however plausible they might be, were not capable of application. He was not disposed to enter into a discussion with his right hon. Friend as to the merits of the quotations he made from Adam Smith, or as to the precise construction to be put upon the doctrines laid down by that great and distinguished man; and used as these arguments had been by his right hon. Friend on this and other occasions, and by other Gentlemen who had taken part in this debate, he feared they might be led to follow them up carelessly to very inconvenient conclusions. The point upon which the argument of his right hon. Friend turned seemed to be this—that they could make

taxation perfectly equal and just to all persons, and, moreover, that this particular tax could be made so that it would bear equally upon all classes of persons. Taking that as his starting point, his right hon. Friend said by these exemptions they were destroying that equality, and therefore he condemned the exemptions. In arguing thus his right hon. Friend had this advantage over the Chancellor of the Exchequer, that he was able to discuss theories and lay down abstract propositions without running the risk of being asked to put them to the test of application. If difficulties arose his right hon. Friend could get over them by a mere shrug of the shoulder; whereas if he (the Chancellor of the Exchequer) indulged in such speculations he might get into serious difficulties. If the Income Tax were made the sole tax they would have to raise it to so high a figure that complaints would certainly come from those upon whom it most pressed, and there would then be a real danger of the bugbear with which they were now threatened—that of a graduated property tax. Their proposal was not, he thought, open to the objections that had been urged against it. Arguments might be used against it which would give it the appearance which hon. Members opposite had attributed to it; but he could not see how the tax, with the proposed exemptions, differed in any degree in principle from the tax as it had existed from the first. He could not see that the extension of exemptions changed the principle by one jot from what it was under exemptions proposed in former times. In Pitt's time, when the tax was first suggested, it had a direct reference to the amount of the assessed taxes paid, but it very speedily took another form, founded always on the principle of certain exemptions from the smallest incomes. When Sir Robert Peel introduced it in 1842 the limit was fixed at precisely the same point which was now reached—that was, £150 a year—and it must be remembered that at the time Sir Robert Peel did that, he was taking off considerable burdens of taxation from persons who did not possess that amount, and the Government were being taunted, as had always been the case, when alterations were made in taxation, that in taxing some persons they were relieving others. Sir

Robert Peel's exemption continued until 1853, when the right hon. Gentleman the Member for Greenwich reduced it from £150 to £100, and what was the reason he gave for fixing it at the lower figure? It was in order to exempt what he called "the territory of labour," which he defined at £100 a-year. He (the Chancellor of the Exchequer) put it to the House whether that territory of labour was not better defined by the sum of £150 than by the sum of £100. The key to what the Government proposed was that they believed that men living by wages did in great numbers make wages fully equal to £150 a-year, but could not be made to pay the tax. His right hon. Friend said they ought to be made to pay it. In theory this opinion might be a sound one, but the difficulty was how to get them to pay. There was a discussion the other night upon this very point, and three or four employers of labour confirmed his statement that it was not only inconvenient but impossible to exact the tax from men who were living by wages. A working man receiving £3 a-week might be thrown out of employ before a month was over, and might not, therefore, get £150 in the year, and it was practically impossible to make him pay. This being so, great injustice was done to the class who were living side by side with these working men, who were obliged to keep up a better appearance, and who, living in fixed residences, could not escape from the tax. It was not from any sentiment, softheartedness, or philanthropy, but from a sense of the justice and prudence of the course they were taking, that the Government proposed to exempt such persons from the tax. Another reason given by the officers practically concerned in the collection of the tax was that it was among this class of persons in receipt of small incomes that the greatest amount of difficulty and friction was met with. He had been asked—"Why do you now extend the exemption to £150? Why did you not do so two years ago?" The reason was that two years ago the Government had but just come into office, and that it was very difficult to treat the Income Tax definitively. He had then stated that he did not think the Government would be justified, on so short a notice, in making any definite proposals, and that they reduced the tax by 1*d.* in

the pound having regard simply to the requirements of the year, and reserving any other question. As a matter of fact, the figures upon this very point were then taken out; but the Government thought it inexpedient to deal with the question until they saw the real position of the country. They had now come to the conclusion that, taking into account the probable condition of the country for some time to come, it was desirable to maintain the Income Tax at a low figure, and keep it in reserve as an emergency tax. He stated in 1874, and he repeated it the other day, that the arrangements were made on the faith of their having a true picture of the necessary expenditure of the country presented to them as left by their predecessors; and when, after more careful inquiries, they found that this expenditure must be increased, they saw that to keep the Income Tax at 2*d.* was to keep it at too low a rate. In fixing the amount of the tax it was not a question of popularity or sympathy, but what was the real strength of our financial system, and the strength and power of appealing to that tax in cases of emergency depended on its being put on incomes as now proposed. As to the number of persons to whom the exemptions applied it was difficult to give any positive answer, many persons being taxed under more than one Schedule; but he was prepared to accept the general and rough statement that had been put forward by the right hon. Gentleman the Member for Pontefract (Mr. Childers), that between 200,000 and 300,000 persons would obtain entire remission, and about 200,000 would receive benefit from the exemptions. [Mr. CHILDERS: Between 400,000 and 500,000 would be benefited.] Probably the number might be 450,000 or 460,000 altogether, or say 500,000, of whom one-half perhaps would have the benefit of total exemption. No doubt a certain number of persons were freed from the Income Tax; but if it ever became necessary to raise large sums by taxation for any particular purpose, other kinds of taxation would, of course, be resorted to. It might be theoretically wrong to increase taxation in a direct form only; but that principle ought not to be pushed too far in practice. For his own part, he did not think a Finance Minister ought to lay down

and slavishly adhere to any abstract doctrines. What he ought to do was to endeavour to raise his taxation in the way most in accordance with the general interests of the country, and the least injurious to trade and credit. The whole aim of the Government was to give solidity to our financial system. They were endeavouring to put the Income Tax on a footing which would enable them to raise it without difficulty in a great emergency, and they were endeavouring to deal with the Debt of the country in such a way as both to keep its credit good and to have a reserve to which recourse might be had in case of necessity. By reducing the pressure upon struggling professions the Income Tax would be made more tolerable, and by making it more tolerable it would be rendered more available. As to remissions, it was as well to bear in mind what the history of the tax had been. When the right hon. Gentleman the Member for Greenwich first proposed a 7*d.* tax on incomes above £150 and a 5*d.* tax on those between £150 and £100, they heard very little about the evils of graduated taxation, and that system, with some variation, continued for nine or ten years. At last, in 1863, the right hon. Gentleman, acknowledging the unfairness of the tax, introduced the principle of deductions, fixing the deduction at that time at £60 a-year. Subsequently he again spoke of the pressure of the tax on small incomes; and although he did not himself propose any further dealing with it, the Chancellor of the Exchequer under him as Prime Minister did again in 1872 propose a further extension of the system. The ground on which it was proposed was the inconvenience arising from too sudden a jump from the point at which a man was exempt from Income Tax. A sort of graduated system was introduced, on very scientific principles, according to which the sum of £60 was to be deducted where the maximum of exemption was £200, and £80 where the maximum was £300. It was now proposed that the amount deducted should be not £80, but £120, because of the arithmetical proportions of those figures, and that the deduction should be carried up to the higher figure of £400, instead of £300. The real key to the proposal was the deduction or remission of the tax up to £150, and, as the natural corollary to

that, the deduction of £120 instead of £80. The principle on which the whole proposal rested was identically the principle on which these remissions had been founded for many years past. Some of the criticisms they had heard he thought could hardly be said to have been advanced seriously. He thought the criticism that it would be right to do this if they were reducing the tax, but wrong when they were raising it, was very difficult to follow or appreciate. They had been told that this was an emergency tax, and that they ought to take care not to do anything which, if the tax were raised to 1*s.* or 1*s.* 6*d.*, would sacrifice a considerable amount of the revenue we might get from it. But if that argument was to be held good for anything, we ought to do away with the exemptions that already existed. By putting the Income Tax on the basis on which the Government proposed to put it, the House, instead of giving a stimulus to what he regarded as a most dangerous policy—namely, that of a graduated tax—would carry out further the exemptions which tended to prevent that danger. In conclusion, he hoped that the House would adopt the scheme of the Government instead of the view put forward by the right hon. Gentleman (Mr. Hubbard), which, though ingenious in theory, would not be found suitable in practice.

MR. GLADSTONE: I can assure hon. Gentlemen on both sides of the House that I am sincerely anxious to relieve them from the necessity or occasion of listening to me in any statement or argument upon this important question; and, after listening to the speeches that have been made it occurs to me that I may possibly, by putting a question at the outset, relieve the House altogether from that necessity, and remain, except in so far as the very few words I am about to say, a silent Member on this occasion. I noticed that the hon. Gentleman the Secretary to the Treasury in his speech confined his defence absolutely and exclusively to that portion of the proposal of the Government which raises the limit of total exemption from the Income Tax from the sum of £100 to £150 a-year; and my right hon. Friend the Chancellor of the Exchequer, following the Secretary of the Treasury, delivered a careful and elaborate defence of that single portion of the proposal

which raised the limit from £100 to £150, and although he offered, amidst what I may call the emphatic silence of hon. Members on that side of the House, some apology for the remainder of the proposal—namely, that of raising the deduction from £80 to £120, and the maximum under which that deduction applies from £300 to £400—though he made that kind of apology for these portions of the proposal which I fully admit decency required, yet, on the whole, the impression left on my mind was that it was not disagreeable to him, at all events it was not intolerable to him if at once we were to offer him some assistance in throwing overboard that portion of his cargo, and that it might shorten our proceedings if he were to give us an explicit explanation on that point. I think I am justified in asking my right hon. Friend whether he is prepared to assure us that provided the House is ready to adopt the alteration of the limit of absolute exemption from £100 to £150 he on his part is ready to abandon the two other proposals of raising the deductions from £80 to £120, and the limit of incomes upon which that deduction is to be made from £300 to £400. I make no excuse whatever in offering my right hon. Friend and the House a distinct bribe on the subject, because he will get away at least half-an-hour earlier from a discussion which I myself wish to avoid.

THE CHANCELLOR OF THE EXCHEQUER: I will not stand in the way of my right hon. Friend proceeding with his argument.

MR. GLADSTONE: Though I esteem the statement of my right hon. Friend as a very high personal compliment, yet I would willingly forego it if he would explicitly state what I think he has implicitly done in the observations he has made. I really think he might as well spare himself the trouble, whether I am right or wrong, of pushing those two portions of his proposal, because unless I mistake the genuine feeling of the House itself it is a feeling of dislike to those two proposals. Therefore I must, under protest and under compulsion from the Members of the Government who will not relieve me from the necessity, proceed to state why I think this is an important matter, and upon what footing I place the remarks I have to make. I do not think it necessary to

answer many of the points in the speech of my right hon. Friend, because I am extremely anxious to keep out of this discussion whatever belongs to the distinction between the two Parties in this House; but one observation of his I must meet with a mild protest and objection. He objected to the speech of my right hon. Friend the Member for the City of London (Mr. Goschen), on the ground that he had assumed and taken upon himself to denounce this measure from a Conservative point of view. Says my right hon. Friend the Chancellor of the Exchequer—"You have no right to denounce this measure from a Conservative point of view. What have you to do with Conservatism? What do you know about it? Hold your tongue on the subject." But my right hon. Friend forgets, I will not say the established slang, but I will say the established formula of each of the two Parties. A Conservative when he goes to his constituents says—"I am a Conservative, but I tell you also the Conservatives are the best of Liberals." If he is a Liberal, he will say—"I am a Liberal, but I tell you also the Liberals are the best Conservatives." I know from my own personal experience that the professions of my Friends on this side of the House are perfectly sincere. But the right hon. Gentleman says it is impossible for the language of a Conservative to be also that of a Liberal, or that the language of a Liberal can be that also of a Conservative; and, therefore, I am afraid he thinks that the corresponding professions by Gentlemen who sit behind him have not at all the same character and stamp of sincerity as undoubtedly belong to those made on this side. Let us get rid, however, of expressions of this kind. Sir, I feel this is an occasion on which the entire responsibility of the decision that is to be given lies with the majority in this House. You, the Members of the majority, have it in your power to carry the proposals of the Government. For us, it is no very difficult matter to make our protest, and to point out what we conceive to be the rights of the case, and the danger of the course on which you are inviting us to enter. If the communications that have been going on upon the Treasury Bench have led to an alteration of intention, and if the right hon. Gentleman is now prepared to say he will dispense with this portion of the

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Question proposed, "That the words proposed to be left out stand part of the Question."

MR. LAING said, he must give a preference for the scheme proposed by the Chancellor of the Exchequer. The view which they took of exemptions would, of course, be influenced by the opinions they held as to the desirability of the Income Tax being permanent or not. He thought those who, like himself, believed that the Income Tax was an essential and a vital part of our financial system, and that it was desirable to retain it at a moderate amount as a great instrument of financial power, would generally be found in favour of exemptions, thus throwing overboard some of that unpopularity which affected the principle of the tax generally and putting it upon a more secure foundation. As regarded the principle of exemption, he thought the fallacy which ran through the argument used against it was that it seemed to be assumed that the whole taxes of the country were levied direct. A great portion of our Revenue was raised by indirect taxation, and when they came to the lower scale of incomes, especially of the labouring classes, in point of fact they spent a larger percentage of their incomes in articles which paid taxation than the man of larger income did. One great argument in favour of the Income Tax was that the tax was an instrument of great national power. By the simple expedient of adding 1*d.* in the pound the Government could easily raise a larger sum than foreign countries could obtain without great stress and inconvenience. The other great argument was that the tax was the means by which they could in tolerably fair proportions equalize the incidence of taxation upon the middle and lower classes of the community. The broad conclusion was that with an Income Tax producing £5,000,000 direct taxation the equilibrium between direct and indirect taxation on the different classes was very fairly maintained. If they abolished the Income Tax, they would destroy that equilibrium. The exemptions, then, he viewed as made on a fair basis and not on any Communistic principle. That being so, it seemed to be a simple question of degree whether they should draw the line at £100 or £150. He desired

the Income Tax to be maintained, and he therefore wished to relieve it from the unpopularity which attached to taxing a large number of small incomes for the sake of realizing a comparatively small amount. He had been alarmed ever since the right hon. Member for Greenwich (Mr. Gladstone) proposed the repeal of the Income Tax as part of the programme with which he appealed to the country at the last General Election, and, entertaining this alarm, he desired to defend the citadel of our financial system by every fair and legitimate means. It was consistent with principle and precedent to go back, as they were doing, to what might be called the old and accustomed limit which accompanied the tax for a series of years, and which had the authority of eminent statesmen in its favour. Under these circumstances, he should give his vote against the Motion of the right hon. Member for London.

MR. SANDFORD said, the right hon. Gentleman the Member for Greenwich had asserted that he was opposed to the existence of the Income Tax, and the hon. Member for Birmingham (Mr. Muntz) had in a letter which was published in a newspaper stated that he did not know a single person who was a friend to the Income Tax. He begged to undeceive the hon. Gentleman, for he (Mr. Sandford) was a friend to that tax, and he should be sorry to see property relieved of it and an equivalent burden thrown on Customs and Excise, or, in other words, on the shoulders of the working classes. When the tax was originally imposed by Pitt it was a graduated Income Tax; and it was altogether too late to say that exemptions from it rested on principles of socialism. Exemptions had been adopted by every Parliament and by every Minister by whom the tax was laid on. In his opinion the principle of exemptions was only just, because wealth did not contribute its fair share to the taxes of the country. The burden of the tax fell most heavily on the possessors of small incomes which did not rise with the price of commodities when the wages of working men did rise. Even indirect taxes were levied with some unfairness. Inferior tobacco paid 100 per cent, and the better class of cigars from 10 to 20 per cent; cheap claret paid 15 per cent, and the better quality 2 per cent; beer paid

maximum, the deduction from its efficacy becomes an enormous deduction. If the tax were raised to the amount of 2s., at which it stood for many years together during the revolutionary war, the total deductions from the tax by the exemptions would be very little short indeed of £10,000,000 a-year. If the sum of 2s. should seem to some Gentlemen a visionary sum, I may remind them that even in the Crimean War, which only lasted a little more than a twelvemonth as to its active operations, and when we had peace within two years from the time war was declared, even in that short and most fugitive war we raised the tax to the sum of 1s. 4d. Then, in the next place, we say this is a mode of securing the perpetuity of the tax. But the hon. Gentleman the Secretary of the Treasury says that is perfectly true, and that is the merit of the proposal. He stated for the first time from the Treasury Bench that the tendency of this proposal to perpetuate the tax was one of the merits which had commended it to the approval of the Government. The hon. Gentleman since he has been in office cannot have had time to refresh his memory on the subject of the declarations of the manifesto or counter manifesto issued by the Prime Minister at the time of the General Election. The hon. Gentleman has forgotten that at the time when it was my duty to point out that we had a state of things in which we could part with the Income Tax, and we recommended parting with it, the right hon. Gentleman the Member for Buckinghamshire disputed entirely our title to make ourselves the patrons of the abolition of the Income Tax, and said—"The Liberals are those who have always kept on the Income Tax; the Conservative Party are those who have always striven to take it off." The Secretary of the Treasury, forgetful of the solemn declarations of his Leaders, which amount almost to the profession of a political creed, says that because this proposal tends to the perpetuity of the tax it is considered as one of its recommendations in the eyes of the Government. It has been truly said that this is a proposal by which, I will not say you bribe the majority, but by which you induce the majority of the actual taxpayers to acquiesce in the increase of the tax by making that increase positively and absolutely beneficial to

them. You encourage them to run in upon the minority, for you are going to make the increase of the taxation of the minority re-imburse and compensate the State for the relief you are going to give to the majority. Is that a safe principle? What does my right hon. Friend say upon that? He says it was the very thing Sir Robert Peel did in 1842. I take issue with him. I ought to know something about that, for it was my duty to fight the tariff of 1842 through the House of Commons. He forgot that the tariff of that year was not directed to the remissions it made to the relief of the great articles of consumption bearing upon the subsistence of the people. It was directed to the liberation of trade by the abolition and the reduction of duty upon raw material. Let my right hon. Friend mould his proceeding upon the basis of Sir Robert Peel, and we shall have very little to object to in it. My right hon. Friend says it does not signify whether you make these exemptions when the tax is increased or when it is diminished. I protest against that doctrine. I have serious doubts whether we were right in 1872 in raising the maximum up to which the deduction was allowed from £200 to £300; but I say it is a totally different thing to do what is done by my right hon. Friend—namely, to purchase the relief of one man under the same act and law at the expense of another, who is called on to pay for the relief as well as his own share of the tax. I must say a few words to the House, and especially to the majority, upon the nature of this proposal as to the principle it involves. My right hon. Friend showed a not unnatural disposition to get rid of the discussion of principle under the name of theory. It is not at all a bad plan—and my right hon. Friend seems to have adopted it in his speech—when you find the discussion of the principles of finance to be inexpedient to disparage and denounce them as theories, and as not fit to be entertained in an assembly of practical men. However, I do not think the theories of finance at all irrelevant to the discussion of practical measures of finance. Those who have been soundest in the theory of finance have been those who have brought about all the practical improvements in the practice of finance. I object to these two proposals, putting them in a totally

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different category from the first of the three proposals—namely, that which raises the limit of exemptions from £100 to £150 a-year. I do not desire to join issue with the Government, and do not now make appeal to the House on any limited and narrow ground such as would be the subject of discussion so long as it was confined to £150 a-year. It is true that was the original minimum of the Income Tax, and it would be idle to attempt to reproach any Government that thought that circumstances made it desirable to return it to that limit. I should only have to say I thought the time was unfortunately chosen, for I do not think a period when a tax is raised is the right period to give relief to a large class of payers of the tax. But I do not desire to enter into that, as I do not think it involves any principle of taxation. The question raised with regard to the other two classes is of a totally different character. Besides the number which my right hon. Friend admits will be entirely relieved from the operation of the tax, another 200,000, having incomes between £150 and £400 a-year, will be relieved under Schedules D and E. That number is an absolute and considerable majority of the entire number of persons paying Income Tax above £150 a-year. The portion upon whom you are going to increase the tax does not consist of more than 150,000 or 160,000 persons; the portion upon whom you are going to diminish the tax, after putting aside those whom you are going to relieve from it, is about 200,000. Schedules A, B, and C contain an uncertain but very large number of persons that ought to be added to those figures; and this, as everyone acquainted with the tax must know, must largely increase the majority of those whom you are going to relieve, and largely reduce the minority on whom you are going to place increased burdens. Is this a safe proceeding? What is the virtue of this figure £400? I never but once happened to hear the figure 400 introduced as a figure of cardinal virtue and power in matters of finance. The people of England are eminently Conservative in matters of taxation and finance. We do not find the labouring classes in this country desirous to enrich themselves at the expense of the State or their richer neighbours. But once I did read a pamphlet that did appear to be full of the

most mischievous trash, but the very proposal in the pamphlet was to a certain extent in sympathy with the proposal of my right hon. Friend the Chancellor of the Exchequer; for the writer laid down this fundamental doctrine—that every man ought to have a fixed minimum income secured by the State, and he was led evidently by the same directing genius that has moved the mind of my right hon. Friend; only he applied his principle more largely and consistently, to fix upon the income which should be secured to every man by the State the sum of £400 a-year, £200 for the maintenance of his wife and family, and £200 for his own recreation, enjoyment, and satisfaction. My right hon. Friend said—“If you object to exemptions on £400 you object to exemptions altogether.” If that is to be said, what argument could be used when some future Minister, who was still more warm and sympathetic in his nature than the present one, raised the limit to £500 a-year. Is there a danger in this way of handling the Income Tax, or is there not? That is the question which I wish in all sincerity and earnestness to address to every one of you who sit on the opposite side of the House, because I know those on this side of the House do not desire to have it addressed to them. I do not wish to preach to the converted. I am far from thinking that with the dispositions that prevail in this country the theories of Socialism and Communism have for us the real danger which they present on the Continent of Europe. I believe we may commit many faults, and play a great many pranks—dangerous and mischievous pranks—and still the good sense of the people of England would save us from Socialism and Communism. But they are evils of such a character that I should like to keep the margin between us and them as broad as possible, and I object to these proposals because it trespasses on that margin. I will endeavour to prove what I say. Of all the taxes on our Statute Book the Income Tax is the only tax through which it is possible that Socialism or Communism, or anything like them, can, in the nature of things, find an entrance into our system. It cannot be done by indirect taxation, indirect taxation seeming to hit all alike, while it probably hits with greatest severity the poorer classes. It cannot be done through our

stamp laws, for, speaking generally, they are rigidly impartial. For the most part, though they may fall on the property of the country, they fall upon it within measure, and I have never heard it spoken of as unjust that the property of the country should pay largely and liberally for the advantages it derives from government. I do not believe it unjust that the rich man should pay more liberally than the man of lower position. But the unrestrained adoption of that doctrine is full of danger to the State; and I ask whether it is wise for us to give the smallest scintilla of countenance to that doctrine by adopting any proposal such as that now before us, unless on grounds very much stronger than those stated by the Chancellor of the Exchequer and the Secretary to the Treasury? Take the case of those other taxes which fall upon property—the succession and legacy duties. These duties can never be made the means of introducing gross inequalities, because the very nature of them, requiring the realization of the property in order that the money be paid, absolutely forbids the doing of injustice. On the contrary, in the Income Tax we have a law admitting of being dealt with in a very different manner, and in one which would have given satisfaction to the Commune of Paris. We have only to strike the pen through the figure in one line, and in lieu of that to insert some other figure. It is the real and only avenue through which these dangerous principles can be introduced. Of course, I do not mean that the Chancellor of the Exchequer intends to introduce these principles. He is as much opposed to them as we, though not more; but I am not speaking of intentions, I am speaking of the tendency of the right hon. Gentleman's proceeding. It has always been felt that the Income Tax had its dangers. In the old Income Tax there were various forms of exemption, which, when it was renewed in 1842, it was felt to be wise to get rid of. Since that time we have endeavoured to stand on a principle. It is intelligible, and the Income Tax has boasted of its equality—at least of its theoretical equality. It is a blot in it, and starts from a basis where it can be shown that it sins at its outset against its own first principles. At the same time, it was felt impossible to levy the tax upon the smallest incomes. It was impossible to levy it upon the wages of

labour, and that led to the principle that the wages of labour should be exempted. This, then, is the principle upon which the tax has stood from that day to this. It was necessary to ascertain the proper point of transition from the wages of labour to those incomes that were taxable in the sense that they could be got at, and as very cruel anomalies arose it was thought better to graduate the transition. This is the history of the mode in which the subject has been dealt with. If it has been dealt with too liberally, I feel confident I shall carry your assent when I say that is not a reason for going forward. It is, I say, an additional reason for stopping short. If we have already done too much, it is a reason for not doing more. It is impossible to say that incomes between £150 and £300 a-year are now unjustly taxed, and it is impossible to say that the revenue officers have found any difficulty in levying upon these incomes. It is impossible to say with regard to incomes between £300 and £400 that any of those considerations can apply which originally dictated the exemption of incomes below £150. Now, Sir, this is not a question upon which we should indulge a mere sympathetic feeling. If sympathetic feelings are to govern our discussions you may surrender tax after tax, and limit after limit, and your operations will never come to an end. We should adhere to the wise practice of former years, when necessity was the cause of exemption; and if we have given too liberal an interpretation already, and have come too near a danger, that is a great reason why we should come no nearer. These are considerations of such importance that I have felt it my duty to lay them before the House. I have no disposition to push my views with regard to the class of incomes between £100 and £150; but I earnestly hope these classes of exemptions now proposed by the Government will receive careful attention, and that Gentlemen speaking from the other side of the House, and with more authority and more favour than I can command, will back the appeal I have made and save us the necessity of any division on the question now before us.

MR. J. R. YORKE said, he was opposed to the first part of the Amendment, but he was favourable to the second—namely, that it was inexpedient to extend the limit of exemptions to incomes of

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from £300 to £400. He could not, however, assent to the doctrine of the right hon. Gentleman the Member for Greenwich, who asked them to vote for the Amendment, as he believed the effect of carrying it out would be fatal to the Bill. In Committee every Member could give effect to the opinions which he entertained.

CAPTAIN NOLAN said, he would vote for the exemptions, not because he approved them altogether, but because the principle upon which they were founded approached what was right. In his opinion, incomes under £300 should be entirely exempt. The right hon. Member for Greenwich seemed to have forgotten that the poor man paid in indirect taxation much more in proportion than the rich man paid.

MR. FLOYER said, nothing could have been more clear or convincing than the arguments of the Chancellor of the Exchequer with respect to the exemptions up to £150, and though there was some objection to raising the sum to be deducted from £80 to £120, yet that objection was not very material. He felt, however, that there was a strong objection to make the deductions from incomes under £400 instead of £300; and he thought the right hon. Gentleman himself was not altogether satisfied with that part of his proposition. If, therefore, he voted against the Motion of the right hon. Member for the City, he desired to guard himself against being precluded from voting against a portion of the proposal of the Chancellor of the Exchequer.

MR. PERCY WYNDHAM trusted the Government would not at that stage of the Bill make any change in their proposals. It was entirely without precedent for a Government to make promises of remission of taxation in a Budget speech and then of their own accord to depart from the pledges they had given. There was no new principle involved in what the Government proposed—it was a step, and a very short step, in the direction taken by right hon. Gentlemen opposite. They were now told that by fixing on the limit at £400 they were touching the verge of Communism; but that they were quite safe when the limit was £300. He was not frightened by any such assertion. He hoped the Government would not depart one jot or tittle from their proposal. At an election which had recently

taken place in the North of England the constituency had received the proposal of the right hon. Gentleman with the greatest favour.

THE MARQUESS OF HARTINGTON said, he did not wish to prolong the debate, but he would say a word as to the effect of the Amendment. If the hon. Member (Mr. Floyer) thought he was more likely to obtain his object by opposing the proposals of the Government in Committee, he was of course at liberty to do so, though he could surely accomplish this result more effectually by supporting the Amendment. But the hon. Member (Mr. J. R. Yorke) was under a misapprehension in supposing that the Amendment, if carried, would stop the progress of the Bill. The only result would be to negative the Motion that the Speaker do “now” leave the Chair; and if the Amendment were then carried, it would be in the power of the House to amend it.

Question put.

The House *divided*:—Ayes 241; Noes 121: Majority 120.

Main Question, “That Mr. Speaker do now leave the Chair,” put, and *agreed to*.

Bill *considered* in Committee.

Committee report Progress; to sit again upon *Monday* next.

BURGHES (SCOTLAND) GAS SUPPLY.

(*re-committed*) BILL.—[BILL 120.]

(*Sir Windham Anstruther, Mr. Orr Ewing, Mr. Grieve, Mr. William Holms.*)

COMMITTEE.

Order for Committee read.

SIR WINDHAM ANSTRUTHER moved that the Order for the Committee be discharged for the present in order that the measure might be referred back to the Select Committee.

MR. RAIKES said, he did not wish to offer any opposition to the proposal before the House, but he thought it right to point out some important changes which had been introduced into the Bill in Committee. If it re-appeared before the House again in the shape it now was, it would be his duty to trouble the House at much greater length on the matter in pointing out the remarkable provisions which had been inserted in the Bill.

SIR EDWARD COLEBROOKE would like a more definite statement of the proposals in the Bill which the hon. Gentleman (Mr. Raikes) considered so objectionable.

Order discharged; Motion agreed to.

Bill *re-committed* to the former Select Committee, with reference to Clauses 2, 3, 6, 19, 20, 21, 22, 23, 24, 43, 45, and 57, and Schedule B.

CUSTOMS LAWS CONSOLIDATION BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to consolidate the Customs Laws.

Resolution *reported*:—Bill *ordered* to be brought in by Mr. RAIKES, Mr. WILLIAM HENRY SMITH, and Mr. CHANCELLOR of the EXCHEQUER.

Bill *presented*, and read the first time. [Bill 154.]

PREVENTION OF CRIMES ACT AMENDMENT BILL.

On Motion of Sir HENRY SELWIN-IBBETSON, Bill to amend "The Prevention of Crimes Act, 1871," *ordered* to be brought in by Sir HENRY SELWIN-IBBETSON and Mr. Secretary CROSS.

Bill *presented*, and read the first time. [Bill 153.]

POOR LAW RATING (IRELAND) BILL.

On Motion of Sir MICHAEL HICKS-BEACH, Bill to amend the Law for the Relief of the Poor in Ireland in respect to rating and chargeability on Poor Law Unions, *ordered* to be brought in by Sir MICHAEL HICKS-BEACH and Mr. SOLICITOR GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 156.]

House adjourned at half after One o'clock.

HOUSE OF LORDS,

Friday, 19th May, 1876.

Their Lordships met;—And having gone through the Business on the Paper, without debate—

House adjourned at Four o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 19th May, 1876.

The House met, and 40 Members not being present at Four o'clock, Mr. Speaker adjourned the House till Monday next.

HOUSE OF LORDS,

Monday, 22nd May, 1876.

MINUTES.]—PUBLIC BILLS—*Second Reading*--
Oyster and Mussel Fisheries Order Confirmation * (86); Cruelty to Animals (85).

Committee—Partition Act (1869) Amendment * (52); Statute Law Revision (Substituted Enactments) * (82); Pier and Harbour Orders Confirmation (Aldborough, &c.) * (78).

Committee — *Report* — Poolbeg Lighthouse * (79).

Third Reading—Drugging of Animals * (53); Chelsea Hospital Accounts * (81), and *passed*.

TURKEY—SECOND NOTE OF THE THREE POWERS.—QUESTION.

EARL GRANVILLE: My Lords, I rise to ask the noble Earl the Secretary of State for Foreign Affairs a Question on a subject of considerable interest. We are informed that in consequence of the failure of the Andrassy Note, the Three Powers—Germany, Russia, and Austria—have agreed to a second Note. We are further informed that France and Italy have concurred in this Note; but that Her Majesty's Government decline to be a party to it. If this representation of affairs be accurate, it would appear as if the communications on the subject have come to an end. I have, therefore, to ask the noble Earl if, without any injury or inconvenience to the public interests, the noble Earl can give now, or a short time hence, information to the House as to the exact state of this most difficult of questions?

THE EARL OF DERBY: My Lords, nothing can be more legitimate than the Question put to me by the noble Earl opposite. But I confess that at the present moment I am not in a position in which I can, in justice to the other parties

concerned, give detailed information as to the result of the late conferences at Berlin. Your Lordships and the public are probably aware that these conferences ended in an agreement between the Governments of Russia, Austria, and Germany to make certain propositions to the Porte with a view to the pacification of the Turkish Provinces now disturbed and the termination of the state of civil war. These propositions, so agreed upon by the three Powers, were laid before the Governments of France, of Italy, and of England, with a request for their adhesion. The French and Italian Governments gave an immediate assent. Her Majesty's Government, after a careful examination of the proposals, found themselves unable to do so. I may say that we came to that decision with regret; and I may perhaps be allowed to add that in taking that view we were not in any degree influenced by a motive which I have seen imputed to us—namely, the fact that we had not been consulted in framing the document to which our assent was asked. If we had thought the plan proposed likely to effect its object, the consideration to which I have referred would not have weighed with us. I am afraid I cannot give further explanations of our reasons for refusal; they would hardly be intelligible, unless I could lay the proposals themselves upon the Table, and that I am not in a position to do. They have not yet, I believe, been formally communicated to the Turkish Government; it is even possible—though I do not at all assert that it will be so—that they may be modified before they are so communicated; and that being the case, I should not be justified in publishing them without the consent of the Powers with which they originated. As soon as that objection is removed there will not be the slightest desire on my part or that of my Colleagues to keep back from the House any information we may possess on the subject.

CRUELTY TO ANIMALS BILL.

(*The Earl of Carnarvon.*)

(NO. 85.) SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF CARNARVON, in moving that the Bill be now read the

second time, said: I need not recapitulate the various stages by which the public mind was first directed to the subject of vivisection and the Government induced to advise the Crown to issue a Commission, the Report of which is now the basis of the present Bill. Last year a noble Lord in this, and a right hon. Gentleman in the other House, introduced Bills dealing with it; but the subject is not only an extremely painful, but it is a difficult and delicate one to deal with. On the one hand there is the danger of going too far; on the other, the danger of not going far enough: on the one side there is the strong sentiment of humanity; on the other, there are the claims of modern science. It is a sea strewn with rocks, and it is not easy to steer safely through them. Personally I can hardly describe with how much pain I have waded through the horrible details of an almost sickening subject in order to arrive at the necessary conclusions; personally I can hardly say with how much effort I now bring the subject before this House on behalf of Her Majesty's Government; but I am sustained in what I feel to be the difficulty of the task, first of all by the feeling that legislation is right and necessary, next by the unanimity of the Royal Commission appointed to inquire into the subject; lastly by the fact that the conclusion of that Commission is in harmony not only, as I hope, with the general opinion of the intelligent and humane people of this country, but with much of the highest professional opinion—surgical, medical, and even physiological. And if I may be allowed I would venture to offer my humble tribute to the well-balanced and temperate reasoning of that Report, and to the wisdom of the general conclusions at which the Commissioners have arrived. I will take example by them, and I trust that I shall, in stating a case which is more than usually open to controversy, say nothing which can justly provoke irritation on any side. And first as to the present law. Up to the time of the passing of the 3rd of George IV. there was no legislation for the protection of animals, and our early literature, whether prose or poetry, shows abundant evidence of the national brutality on these subjects; since then there have been a series of enactments passed with humane objects, and affording legislative protec-

tion to domestic—but only domestic, animals. It is therefore enough to sum up this part of the subject by briefly saying that only domestic animals are so protected; that as to vivisection the protection afforded to those animals is insufficient; and that for animals which are not domestic there is no protection at all.

My first proposition, therefore, is that legislation is necessary from the defect of the law, my next and much more serious proposition is that legislation is necessary from the nature of the case. Now the practice of vivisection in its more objectionable form has been mainly carried on abroad. It is to foreign countries that we owe the painful interest which is now felt in this country with reference on the subject. It is from the Continent that the warning has come, thence that the impulse has been received; it is there that the mirror is held up in which the worst and most hideous of those practices are reflected. But indeed for experiments conducted abroad it is probable that public attention and sympathy would not have been awakened in this country. It is not necessary for me to prove the existence of this practice abroad. It is abundantly stated in books, in periodicals, in scientific writings. It stands as a confessed and admitted fact. What that practice has been abroad it is too painful—it is happily also unnecessary—to narrate in anything like detail. It has been carried on for every imaginable purpose, and for no purpose at all—for the investigation of disease, for scientific research, and for wanton curiosity, and this with a barbarity that must shock the dullest and the coldest nature. Experiments have been prosecuted with an exquisite refinement of torture not merely for hours, but for days, for weeks, and, in some cases that have been recorded, even for months, on the same living and palpitating animal—prosecuted, I say, until even in foreign towns public decency has been scandalized, and the dull sense of morality, which is never wholly extinct amongst men, has been stirred into life. But in England, whatever may be the abuses committed, they are at most but a feeble reflection of what has been done abroad. I notice, in the evidence taken by the Royal Commission, a remarkable tribute paid by the Secretary of the Society for the Prevention of

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Cruelty to Animals, to the greater humanity manifested in this country, where there was, he said, an entire difference in the practice of vivisection in this country as compared with the same practice abroad. But, at the same time it is clear, and it is admitted, that the practice exists in this country, and that, side by side with it, there exists no sufficient security that abuses may not arise, even in our medical schools and great institutions. In the Appendix of this Report, there is a table given of between 30 and 40 public institutions, of which more than 30 admit the existence, more or less, of the practice. In the very great majority of those cases it is, I hope, clear that anæsthetics are carefully used, and that precautions are taken to prevent suffering in the animal; though I do not consider that I should be justified in saying that this is invariably so. But it is not enough that we may, to some extent, trust to public opinion and high professional authority in those schools and institutions as securities against abuse; but there is a much greater danger. Experiments are carried on in private houses by the young and ignorant and callous, with no check of public opinion, and there is reason to believe that gross abuse does here exist in connection with experiments so conducted. Your Lordships are in possession of the Report of the Commission, and therefore I will not read many or lengthy extracts from the evidence, but it may be well that on this point I should refer to the conclusion of the Commission itself—

“There can be,” they say, “little doubt that experiments have been and now are performed occasionally by private persons, of whose numbers we are able to form no accurate computation.”

And further on they refer to the evidence of Dr. Anthony, residing near Birmingham, who knew young men who carried on those experiments in private houses from mere curiosity. They conclude by referring to cases—

“in which the unpractised student has taken on himself without guidance, in his private lodgings, to expose animals to torture without anæsthetics for no purpose which could merit the name of legitimate scientific research.”

But the matter does not end here. Not only is vivisection carried on in private houses in this country, and therefore out of the ken of public opinion, but there

is a constantly widening growth of the practice. It is growing, as all such practices must grow, from its own internal vitality: it is growing with the development of the new schools of physiology and biological research: it is growing, because the students themselves are more and more in the habit of frequenting foreign schools, and return to this country with the traditions and the modes of those schools. I have myself endured so much mental pain in reading what was done in some of these foreign schools that I will not wound the ears of those to whom I am speaking. I will not repeat what I have read. I indeed could scarcely do so in Parliamentary phraseology; but to those of your Lordships who may desire to look more closely into these horrible details, very sufficient evidence will be found in the Appendix to the Report of the Commission, and in a hand-book which has become a text-book in our surgical schools, and was edited by a high authority, to whom I will immediately refer, Dr. Klein. It is scarcely necessary to point out that this book, which bases its teaching amongst other things upon experiments that have been performed upon living animals, must act as a powerful encouragement to students to repeat those experiments: as, indeed, is illustrated in the evidence of one witness, who, when questioned on the point of repeating experiments on the same animal, testified with much emphasis to the necessity of constant and reiterated repetition in the general practice of physiological experimentation.

But it is said that anæsthetics are used, and that consequently there is no pain. I wish it were so. There is, unfortunately, ample testimony that in many cases no anæsthetics at all are used, and that even the use of them is frequently of a very partial and defective kind. There is in the evidence given before the Commission a statement by Dr. Klein, to whom I have already alluded, which is extremely instructive in itself, and illustrative of that point to which I am now directing the attention of the House. Dr. Klein ranks high as a scientific man, he is conversant both with foreign and English practice, has studied at Vienna, and is lecturer on general histology at St. Bartholomew's Hospital. He received the report of his evidence as taken by the shorthand

writer, and he returned it corrected—not in accordance with the custom by which witnesses before Commissions and Committees are permitted to make verbal correction, but so altered and amended that the Commission felt bound not to receive it in that form. Dr. Klein then requested that his evidence should be withdrawn. The Commissioners rightly, as I think, declined to comply with his request, but they included in the Minutes, the shorthand writer's note, as it was originally taken, and then placed in parallel columns, in the Appendix Dr. Klein's amendments. I have now before me arranged side by side the two versions of Dr. Klein's evidence, and I shall take the liberty of reading to your Lordships the original, and, as I am bound to think, the more faithful expression of Mr. Klein's opinion. He was examined on the use of anæsthetics, and here are some of his examinations as reported by the shorthand writer:—

“What is your own practice with regard to the use of anæsthetics in experiments that are otherwise painful?—Except for teaching purposes, for demonstration, I never use anæsthetics where it is not necessary for convenience.”

Again, there followed question and answer—

“But do you think that where it is only a question of time a professor of physiology is not bound to consult humanitarian feelings?—An investigator has no time. I myself, when I am going to make an experiment for pathological research, have no time really with regard to what the animal will feel.”

The subject was pursued, and in reply to Mr. Forster, Dr. Klein's practice and opinions were further elicited—

“Do you not sometimes find an inconvenient interruption from the cries of the animal?—Only then I do use chloroform: that is what I said; I use anæsthetics for convenience sake.”

“And it is only because the dog might howl, or get into contortions that you would use anæsthetics at all?—Yes.”

“And you think that the view of scientific men on the Continent is your view, that animal suffering is so entirely unimportant compared with scientific research that it should not be taken into account at all?—Yes, except for convenience sake.”

I venture to hope that no one in this House will endorse these answers of Dr. Klein, and whatever may be the difference on matters of detail, I do not hesitate to affirm both for myself and for every person in this House that such an expression of opinion is simply detestable. In connection with this part of the subject, I ought to add that

a so-called anæsthetic known as urari or curari, has the effect of paralyzing all the nerves of motion, while it allows the nerves of sensation to remain in their normal condition. I have read somewhere of a very eminent French Professor who, having administered this to a dog, remarked to his pupils—"You observe that there is in his face no sign whatever of suffering, and yet he is enduring the most diabolical torture." The Bill now before your Lordships absolutely prohibits the use of urari as an anæsthetic, for independently of the atrocious cruelty, practices such as these must lead to the demoralization of those who assisted in them.

I come now to the consideration of the principles on which legislation ought to proceed in order to deal with such abuses whether existing or possible; but I will pause for a moment to refer to an objection which is sometimes urged to any legislation. We are told that field sports ought to be put in the same category as vivisection. I pause indeed to allude to this objection, but I will not dignify it by the name of argument; and so groundless, rhetorical, absurd, is it that I will not condescend to reason upon it. I notice it only that it may not be thought that I have overlooked it. Well, then, what ought to be done? There are the views of two extreme parties. There are some for the total abolition of vivisection, there are others who, as claiming to speak for a section of the scientific world, object to any restriction. To those who advocate the total abolition of the practice I give credit for the highest intentions and feelings, but I entreat them to consider that by refusing all compromise on this subject they are defeating their own objects, they are sanctioning the continuance of great evils, and with that continuance they are fostering a demoralization amongst those who are guilty of cruelty to an extent and in a way which may make the present great wrong far worse in the future, and far more difficult hereafter to eradicate. But it is impracticable to contend for a total abolition; and if so, do not let us fall into the greatest mistake to which legislators are liable—do not let us pass an impossible law. Were total abolition in this case insisted upon by Parliament, one of two consequences would follow—

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either there would be a general rush of medical students abroad, where they would be under no restraint; or they would betake themselves to the dark holes and corners of this country, where, out of reach of all public opinion and the wholesome influences of a controlling morality, they would with inferior appliances, and far greater indifference to the sufferings of animals, carry on these practices at their pleasure. On the other hand, those advocates of vivisection who claim for it total exemption from all restriction, claim for it an exemption which is granted to no other practice, class, interest, or profession; which I trust will never be granted, and which healthy English public opinion will not endure for one moment. Nor can I believe that the highest authorities in medicine or surgery desire such an exemption. As far as I can gather their opinions, expressed in this Report or elsewhere, I understand it to be the reverse. They have agreed to accept restrictions in the case of vivisection, and it is one of the great merits of this Bill that, being founded mainly on the lines of the Report of the Royal Commission, it will not only have the support of the distinguished men who composed that Commission, but also I hope the concurrence of all the great lights of the medical, surgical, and scientific world. Of course, there may be differences of opinion with respect to details, but these authorities have given in a substantial adhesion to the principle embodied in the Bill; and if the Bill is in the nature of a compromise it is not, perhaps, the worse for that.

Now, what are the principles of legislation which are profitable and expedient? The Commissioners in their Report give in the first place the reasons which in their opinion justify legislation; they next go on to argue that it is impossible to abolish the practice, and that even if it were possible it would not be desirable to do so, but that it is essential that existing abuses should be restrained. Moreover, so far back as 1871 the British Association appointed a Committee to inquire into the subject, and that Committee reported the following conclusions:—

"(1.) No experiment which can be performed under the influence of an anæsthetic ought to be done without it. (2.) No painful experiment is justifiable for the mere purpose of illustrating a

law or fact already demonstrated; in other words, experimentation without the employment of anæsthetics is not a fitting exhibition for teaching purposes. (3.) Whenever, for the investigation of new truth, it is necessary to make a painful experiment, every effort should be made to ensure success, in order that the sufferings inflicted may not be wasted. For this reason, no painful experiment ought to be performed by an unskilled person, with insufficient instruments and assistants, or in places not suitable to the purpose; that is to say, anywhere except in physiological and pathological laboratories, under proper regulations. (4.) In the scientific preparation for veterinary practice, operations ought not to be performed upon living animals for the mere purpose of obtaining greater operative dexterity."

These recommendations do not stand on their own authority alone, great as that authority is. They are endorsed by the highest names, including Professors Darwin, Owen, Huxley, and Sir William Gull. And if this Bill goes somewhat beyond them, I may safely affirm that there is nothing in it which is at variance with them. And now, lastly, what are the principles which Parliament ought to keep in view in dealing with this difficult question? The principal object which this Bill recognizes as one to justify vivisection is the lengthening of human life, or the lessening of human suffering. Whether, indeed, science has gained by vivisection what she claims to have gained even by the mouths of the most moderate advocates of the practice is perhaps open to doubt. On the one hand such facts as were ascertained by Hervey are, I apprehend, indisputable; on the other, it is quite certain that many eminent men have deeply regretted the extent to which vivisection has been carried, and Dr. Nelaton, the eminent French surgeon, no mean authority in himself or as representing the French school, if I mistake not, has expressed himself as, on the whole, unfavourable to the practice. Probably, however, in fairness and on the general balance of testimony, it must be admitted that experiments in vivisection have tended to lengthen human life and lessen human suffering. But, admitting this, we must be clear that the object in view is worth the experiment. Pain ought to be spared altogether by the use of anæsthetics; and where this cannot be, then it should be reduced to a minimum, and death should be immediately and mercifully inflicted. Under no circumstances can it be right to sanction the infliction of torture for

minor or secondary objects; for the purposes of illustration in schools; for exhibitions to mixed audiences, as has sometimes been the case; by the young or the inexperienced; in secret, or for the acquiring of manual skill. It may be said that the study of medicine and surgery, or physiology, involves, and will more and more involve, like many other studies in these later days, an experimental process. This is true; but, on the other hand, there is this marked difference, that in this case the experimental process involves also the infliction of pain; and where this is so we have a right to take guarantees against that pain, especially where there is reason to believe that any part of it is unnecessary. We endeavour, therefore, under this Bill to provide guarantees which will secure a certain amount of Government inspection, will bring the light of public opinion to bear, will invoke the aid of the higher professional authorities, and will lay down certain regulations.

The Bill opens by prohibiting in express terms and as a general principle the practice of vivisection; but it proceeds to concede various cases in which this rule may be relaxed under certain safeguards and conditions. Thus it allows an exception for certain purposes of teaching, subject to anæsthetics; it allows further an exception for purposes of research even without anæsthetics; it allows exceptions in the case of a criminal trial, and on the responsibility of the presiding Judge; it allows, in fact, exceptions as to the use of anæsthetics, but only in most rare cases; and in these cases a certificate from certain professional authorities, and the sanction of the Secretary of State are necessary. As the almost universal rule, the animal operated on must be put to death the moment the influence of the anæsthetic passes away, if pain will be the result of a prolongation of life. An exception is, indeed, allowed in this instance, but only in very rare cases and under precautions such as those to which I have just referred. By the 6th clause any public exhibition of vivisection is declared illegal. Clause 7 provides for a registry of the place in which experiments by vivisection are conducted; and the following clause for a licence by the Secretary of State to any person whom he may think qualified to perform such experiments.

Subsequent clauses provide for inspection and reports. The legal proceedings under the Act are to be summary, with a power in the person charged to elect to be tried on indictment. In the case of summary convictions there is an appeal to the Court of quarter sessions.

Clause 5 rests on a peculiar and different footing from the other provisions of the Bill. By it there is an immunity from vivisection in the case of dogs and cats. This exception may not, perhaps, be strictly logical; but we need not always be guided by strict logic: there are even yet higher principles and considerations; whilst, as a matter of fact, there is a legislative precedent for a distinction between domestic and other animals in Martin's Act. If, indeed, there are any animals who, by their habits and companionship with man, are connected with him by familiar and often by very touching bonds of sympathy it is the dog and even the cat. It may, perhaps, be added that a large number of dogs are now stolen for these horrible purposes, and a trade in direct violation of law, and demoralizing to the persons who, whether as sellers or buyers, conduct it, has sprung up.

I have now briefly traversed the ground on which this measure rests. I have argued it for the most part on the lower grounds of expediency, of past legislation, of professional opinion; but I cannot take my leave of it without reminding your Lordships that there is a yet higher law of religion and morality under which it falls—a law which neither individuals nor nations can disregard without paying a heavy penalty. If, indeed, Christianity recognizes one vice as specially worthy of abhorrence it is cruelty for its own sake, and if religion, through successive generations, has set the crown on one quality more than another it has been on the great and absorbing virtue of sympathy—sympathy with man and woman, with freeman and slave, with child and animal. And ever since Christianity was founded, the stream as it ran has broadened with its course, down from its fountain head in the merciful precepts of the Old Bible Law through mediæval saint and reformer, through poet, and painter, through writer and artist, until it distinctly and unequivocally embraced the animal world and took a legislative form, re-

buking the oppressor, giving protection to the helpless, and, like all good works, bringing a reward with it in the gentler nurture of children, and the kindlier sympathy between man and man. In England we have never been quite dull to this appeal; our merciful legislation on this subject has been earlier than that of other nations, and it is now simply desired that this legislation should be carried one legitimate step further. I remember some years ago seeing in one of the darkest parts of this great town a reformatory into which were gathered the degraded and outcasts of society. And when I noticed in every room the presence of flowers and tame animals, I was told by the excellent manager of the institution that it was by fostering the love alike of animals and flowers, when other sympathies were dead, that the first gleam of a better feeling arose among the inmates. And in truth this love of animals does insensibly link itself on to a whole sphere of love and religion. All will remember the famous words of the poet—

“ He prayeth best who loveth best
Both man, and bird, and beast ; ”

and I may also remind some here present of a passage in a delightful book written by Sir Humphrey Davy in the sunset of his life, and tinged with the sober colours of his mature intellect—a philosopher who is not unworthy to be set by the side of the ablest of modern men of science—where he says—“ I was in my early youth a sceptic, and it was by considering the qualities and properties of animals that I first learnt to believe.” It may, perhaps, be said that the misery around us which can be relieved is only a drop in the ocean. But that is a specious argument, which if it were admitted might be made a plea for every wrong and injustice. The world is doubtless full of suffering and wrong, and it is as impossible to prevent the one as it is to redress the other; yet this is no reason for acquiescing tamely in every form of evil and abuse; and amidst the highest questions of public policy it is something to devote one chapter of our domestic legislation to such an object as the present, to raise the standard of public thought, to relieve one fraction of the misery around us, and to reconcile the high laws of modern science with the

The Earl of Carnarvon

still higher laws of morality and religion.

Moved, "That the Bill be now read 2^a.
—(*The Earl of Carnarvon.*)

THE DUKE OF SOMERSET said, he would admit that the Government took a wise course in appointing a Commission, and that the Report of the Commissioners did them great credit; but he could not help thinking that the Report went a little beyond the legitimate conclusions of the evidence, and the Bill a little beyond the Report. There was no definition of "animals" in the Bill; it seemed to take in every animal, from the elephant downwards to the smallest insect ever put under the microscope, and no form of animal life was to be experimented on under the Bill. He thought there ought to be some definition, and that the animals to which the provisions of the Bill were to extend should be put into a Schedule. He quite agreed that there should be no public exhibition of experiments on animals. Then the Bill created a new definition of "cruelty," and the offence under the Bill was described as "subjecting animals to experiments for scientific purposes." But animals might still be subject to pain inflicted for no purpose of science. He would undertake to say that one of their Lordships in a good day's rabbit shooting would inflict more pain than scientific men in a whole year of physiological experiments. Notwithstanding all that had been said, it was unfortunately the fact that pain was daily inflicted upon animals for purposes of amusement, curiosity, and vanity. Birds were killed that they might be worn on the top of ladies' bonnets; they ransacked the Arctic regions for their seal-skins, and India for their ornaments; and then we were told they were so humane that they could not bear the idea of inflicting pain upon animals. Horses, in 99 cases in 100, were subjected to cruel and painful operations—would those operations come within the Bill? The "firing" of horses was a cruel operation, yet it was never attempted to administer anæsthetics during its performance. Again, was there no cruelty witnessed at the Zoological Gardens, in which they put a rabbit into the den of the boa constrictor? It was a security that at present these scientific experiments were usually performed in

a laboratory and in the presence of other scientific men; but what he was afraid of was that the effect of the Bill might be to increase those performances in private houses which they wished to prevent. It was all very well to refer to the example of the Anatomy Act. If the body of a man were taken to a Professor for anatomical purposes, it would be known; but who could tell when a scientific man carried home a frog for his experiments?—and it was usually a frog upon which these experiments were tried. It would be almost impossible to prevent experiments, and it was better they should be performed in a laboratory, where a certain number of men might see them. Another difficulty had been alluded to by one of the medical men, who said—

"When a surgeon cannot try experiments on animals he will probably try experiments on his patients."

That was not a very agreeable prospect! A late President of the College of Surgeons said that surgeons sometimes abused their opportunities; and he instanced the case of a surgeon who was in the habit of pausing over a splendid operation, while he was expatiating on the brilliancy of the performance. If it were true that, if experiments were not made on animals, surgeons would experiment on man, they would, of course, make experiments on their patients, and it was probable that such experiments would be made on the poor in the hospitals rather than on the rich. He objected to Clause 3, which said that—

"The experiment must be performed with a view only to the advancement by new discovery of knowledge which will be useful for saving or prolonging human life or alleviating human suffering."

And that it must be performed in a registered place, and by a person duly licensed. There ought to be security enough in requiring the performer to hold a licence; at all events, it was totally impossible to say what the effect of an experiment might be. It was a common practice, if anyone was suspected of having been poisoned by a pudding, to give some of the pudding to a dog; but under this Bill that could not be done; the persons interested in the discovery might eat the pudding themselves, but they must not

give it to a dog. He did not like the character of the certificate that was to be required by an operator. One of the signatories was to be the President of the Royal Society; but the President of that Society might chance to be an astronomer or a botanist, and know nothing of physiology. There seemed to be something suggestive of trade unionism in naming the Presidents of the Royal Colleges of Surgeons and of Physicians of London, Edinburgh, or Dublin; for a man might be unknown to any one of them, and yet be a very clever physiologist, and because they happened to know nothing about him he might be unable to get a licence. Important discoveries were often made by comparatively unknown men rather than by the most prominent physicians and surgeons, and yet such students were to be prevented from prosecuting their researches. He would enforce the use of anæsthetics where it was possible to use them; but in many cases it was not possible. In the case of a poison, an antidote, a new medicine, or an inoculation, you could not resort to the use of an anæsthetic, because it would defeat your object, which was to see the actual operation of the specific under natural conditions. It was said that vaccination had saved more lives than were destroyed by the wars of Napoleon, and vaccination was arrived at by experiments on animals. He was sorry to see some doubts thrown on the value of vaccination by an eminent public man within the last few days, because he believed it had been a great blessing to the world. While assenting to the principle of the Bill, he feared its provisions would go too far to prevent original research, and he therefore trusted it would be well considered and amended in Committee. The object of physiology was to prolong human life and mitigate human suffering. It was necessary that experiments should be performed on animals, and he trusted we should be careful to preserve and maintain the opportunities of performing them. Many discoveries were made almost by accident; the value of chloroform, for instance, was discovered by distilling red ants, which certainly inflicted pain upon animals; and it was not desirable that the possibility of such accidental discoveries should be diminished by too restrictive legislation.

The Duke of Somerset

THE EARL OF SHAFTESBURY said, the Bill did not go as far as could be wished, but, nevertheless, he desired to thank the Government for bringing it in. The excitement throughout the country was very great, as was shown by the Petitions that had been addressed to Parliament; and they would have been more numerous and forcible if the people had not believed that the Government would legislate on the Report of the Commission. To show the strength of the feeling which he believed predominated in the country, he would quote the language of one Petition, which was as follows:—

“That your Petitioners, feeling that cruel experiments are on no grounds justifiable, hereby humbly entreat your Honourable House to legislate for the total abolition and utter suppression of what is termed ‘vivisection,’ or the cutting-up of living creatures, or otherwise torturing them, or putting them to death by torture, under any scientific pretext whatsoever. Perpetrators of these atrocities allege that they physically benefit mankind, though competent authorities deny the assertion. But, even if it were so, no physical gain can possibly equal the injury caused by the moral degradation of the feelings which such barbarous experiments must naturally induce.”

The supporters of the Government measure would, he feared, be misrepresented, or, at least, misunderstood, for it could not be denied that the feeling of the country was in favour of total abolition; but, knowing the difficulties which surrounded the question, he was prepared to accept the Bill, which only imposed restrictions; and he did it upon this ground—that while he believed restriction might be effective, he feared that abolition would be a dead letter. Now, if it had been difficult to obtain evidence before the Royal Commission for information, how much more difficult would it be to obtain evidence for a prosecution when all the men of science were opposed to the measure. All sorts of arguments were urged against interference, but he had heard none so groundless as those of the noble Duke. Field-sports might be justifiable or unjustifiable, though he had nothing to do with such sports. The argument was not applicable to him. He never hunted a fox in his life; many years ago he hunted a hare, and he then determined from that time never to do so again. But he would not go into the question of field-sports at all. They were beside the

question. One evil, supposing this to be an evil, did not palliate another. Was it not permitted to abate suffering, though it could not be extinguished altogether? Common sense drew a distinction between them and prolonged deliberate mutilation, the submitting of animals to torture from hour to hour and month to month. The argument derived from field-sports was, if good at all, good only against those who hunted, and it was no argument whatever to the mass of the people of these lands who never hunted, and who yet were the Petitioners that demanded these prohibitions. But, if the amusements of the fine folk of England were to be quoted as reasons why there should be no restriction on vivisection, let those amusements be contrasted with the amusements of the vivisectors, with that continuous excitement of morbid curiosity which found its employment and recreation in ingenious and prolonged suffering. M. Brachet, an eminent French physician under Charles X. and Louis Philippe, who obtained the physiological prize from the Institute, narrated the following experiment:—

"I inspired a dog," he begged noble Lords to observe the rich language of science, "I inspired a dog with the greatest aversion for me by plaguing and inflicting some pain or other upon it as often as I saw it."

Here was a precious pursuit of knowledge!—

"When this feeling was carried to its height, so that the animal became furious as soon as it saw or heard me, I put out its eyes; I could then appear before it without its manifesting any aversion."

What a discovery!—

"I spoke, and immediately its barkings and furious movements proved the passion which animated it. I destroyed the drum of its ears, and disorganized the internal ear as much as I could."

This was the language of absolute relish—

"When an intense inflammation which was excited had rendered it deaf, I filled up its ears with wax. It could no longer hear at all. Then I went to its side, spoke aloud, and even caressed it, without its falling into a rage; it seemed even sensible to my caresses."

What a heart the man must have had! It was thought necessary to repeat this experiment, in order that there might be no uncertainty in the result—

"And what," observes Dr. Elliotson, who criticized the case, "was all this to prove? Simply that if one brute has an aversion to another it does not feel or show that aversion when it has no means of knowing that the other brute is present. If he had stood near the dog on the other side of a wall, he might have equally proved what common sense required not to be proved. I blush for human nature in detailing this experiment."

Dr. Elliotson wrote well. Why did not every man blush who heard of it? And here let the amusements of the French physiologist be compared with that of a day's fox-hunting! It might be said this was a foreign practice; but what was the testimony of Sir William Fergusson, that great and eminent surgeon? He said—

"The impression on my mind is that these experiments are done very frequently in a most reckless manner."

He added—

"I will give you an illustration of an animal being crucified for several days, perhaps; introduced several times into a lecture room for the class to see how the experiment was going on."

What was this but sheer amusement? Could science have gained, by a cold-blooded, systematic, cruelty such as this, one hair's breadth of knowledge for the use of mankind? This, perhaps, was gained; a proof was gained of what men can bring themselves to do when science is degraded to a wretched monomania. Sir William was asked if he believed that much of this was going on, and his answer was—"I believe a great deal of reckless mutilation is going on among students in private houses." Well, all sorts of objections had been urged, heavy and light. Seal skins, it was stated, were obtained by reckless means. Now, first, an effort had been made by law to appoint proper seasons for the seal-fishing; and, secondly, this argument was effective only against those who wore that kind of fur, and not against the millions who, dressing in cotton and woollens, demanded that animals should be protected. He (the Earl of Shaftesbury) in a controversy he had with a distinguished man—an eminent surgeon—when he was urging on him the necessity of moderation and care in physiological experimentation, received for reply, that he must look at home and ask himself if he did not indulge in *paté de foie gras* (pie of geese

with livers artificially diseased). Why, he, and the masses who sympathized with him, had never tasted *paté de foie gras* in their lives, and probably never should taste it. All he could say was, *paté de foie gras* brought its own punishment with it—being as indigestible as it was wicked. Now, this evil of vivisection was extended over the whole of Europe, and was beginning to be very rife in this country. Dr. Haughton, on this point, fully confirmed the testimony of Sir William Fergusson, and stated—

“I believe that a large proportion of the experiments now performed upon animals in England, Scotland, and Ireland are unnecessary and clumsy repetitions of well-known results; that young physiologists in England learn German and read experiments in German journals, and repeat them then in this country. There is a good deal of that second-rate sort of physiological practice going on,”

all of which their Lordships might believe was as useless as it was atrocious. Now, if vivisection had been exhibited to their Lordships for the first time, all would have shrunk from it with abhorrence; but now, suddenly, they were confronted with a long-established system; and they had to deal with the arguments and facts of learned men of very various dispositions. Vivisection was urged as a grand necessity for the prolongation of human life and the alleviation of human suffering. Doubtless, there were many and great names in favour of the practice, but there were also great names who questioned the necessity, and hesitated to believe that any real good had resulted at all in proportion to the thousands of hecatombs of animals that had been slaughtered and tortured in this terrible pursuit of science. Sir William Fergusson observed that—

“Mr. Syme lived to express an abhorrence of such operations, at all events, if they were not useful. . . . His ultimate authority was strongly on the other side, as expressed in a special report of his own. . . . No man, perhaps, said Sir William, has ever had more experience on the human subject than Mr. Syme . . . and I myself have a strong opinion that such an expression, coming from Mr. Syme, was a mature and valuable opinion.”

When asked whether his own opinion in mature life was much less favourable to these experiments than when he was young—

“Yes,” he replied, “because I had not the same grasp of the subject at that time. I was

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more, perhaps, influenced by what other people had done and by the wish to come up to what they had done in regard to such matters, but the more mature judgment of recent years has led me to say to myself now that I would not perform some of the operations at this present time that I performed myself in earlier days.”

This was of weight. Professor Rolleston stated—

“Haller fell in his later age into a permanent anguish of conscience, which is shown in his epistles, reproaching himself most bitterly for his vivisection. These are Krug's words. . . . I think I may say this (but I shall not give the name), that it is within my own personal experience that a person who has a considerable name before the world, and has performed a large number of vivisections in his time, has expressed himself to me as exceedingly sorry that he ever did them—did them, I should say, to the extent to which he did.”

To these might be added the names of Dr. Child, Dr. Crisp, and others. But further. In the life of that accomplished man, Sir Charles Bell, was to be found this passage—

“In his study of the system of circulation, as in that of the nerves, Charles Bell was necessarily compelled to make more than one experiment in comparative anatomy; but he abstained as much as possible from torturing animals, which he considered, in most cases, a useless act of cruelty, less certain in result than was commonly supposed, and less profitable than an attentive study of pathological phenomena, because vivisection not only alters the substance of the mutilated organs, but disturbs, more or less profoundly, the natural condition of life, and excites, through pain, irregular motions differing from those expected or previously observed, &c.”

Why, this passage was almost an answer to the whole inquiry; not only did he avoid torture, so far as he could, but he considered the study of pathology superior to the practice of vivisection. But here was, no doubt, the difference in the minds of the experimentalists; pathology was long, and vivisection was short; study a bore, but action an amusement—

“Sir Charles admitted that his own opinion was not the opinion of some of the best and most virtuous men he had ever known, but that for his own part he could never convince himself either by the experiments he witnessed or by any of those related to him.”

What a testimony from such a man! But he wished particularly to call their Lordships' attention to a letter written by Sir Charles Bell himself—

“I should be writing,” he said, “a third paper on the nerves, but I cannot proceed with—

out making some experiments, which are so unpleasant to make that I defer them. You may think me silly,"

would their Lordships mark these words?—

"but I cannot perfectly convince myself that I am authorized in nature or religion to do these cruelties :"

would they pause here for a minute? Sir Charles proceeded, and—

"for what?" he said. "For anything else than a little egotism or self-aggrandizement; and yet, what are my experiments in comparison with those which are daily done, and are done daily for nothing?"

Their Lordships might be assured that the people of England rested their hatred, no lighter term could be used, of this terrible system on the grounds suggested by Sir Charles Bell. It was with many of them not simply a matter of feeling, it was one of religion. He (the Earl of Shaftesbury) did not believe that it could be eradicated; he hardly believed that it could be partially subdued. A violent unqualified opposition to their wishes might bring on such expressions of sentiment as would end in the most coercive measures, and the formation of a public opinion, hostile alike to science and to scientific men personally, in the matter of vivisection. But this Bill did not demand the solution of the difficulty whether vivisection were really necessary or not; it went only to the extent to which the men of science would go in limitation of an acknowledged evil. Now his noble Friend had stated facts. He would add one or two. It was impossible to describe the feelings they excited. The narrator in this instance was M. Bouillaud, a man of high scientific name, and one of the most conspicuous physicians in the Medical School of Paris. The account of the eleventh experiment began thus—

"I made an opening on each side of the forehead of a young dog, and forced a red hot iron into each of the anterior lobes of the brain"—

would their Lordships observe the light jaunty way in which he relates his chamber sport?—

"Immediately afterwards, the animal, after howling violently, lay down as if to sleep. On urging it, it walked or even ran for a considerable space; it did not know how to avoid obstacles placed in its way, and on encountering

them groaned, or even howled violently. Deprived of the knowledge of external objects, it no longer made any movements either to avoid or approach them."

As if common sense would not have taught this to any one—

"But it still could perform such motions as are called instinctive. It withdrew its feet when they were pinched, and shook itself when water was poured upon it. It turned incessantly in the cage as if to get out, and became impatient of the restraint thus imposed."

After noting many revolting details, he said—

"It slept occasionally for a short time, and on awakening began its mournful cries. We tried to keep it quiet by beating it, but it only cried more loudly. It did not understand the lesson; it was incorrigible."

What stuff! to say nothing of his feelings; was the man in his senses? Some days elapsed, and the journal continued—

"Its fore legs are now half paralyzed in walking, or rather in dragging itself along; it rests upon the back of its foot, bent upon the leg. No change has taken place in respect to his intellectual power; as its irrepressible cries disturbed the neighbourhood I was obliged to kill it."

Here the atrocious prolongation of torture should be noted. This gentleman was insatiable; he presented another rich experiment, rich in showing what men can do and what animals must submit to. Another young dog, so went the narrative, that had been exposed to similar suffering from having had "the cranium and cerebral hemispheres sawed transversely," escaped from its torturer by a comparatively easy death—

"To prevent its plaintive cries disturbing my neighbours"—what humane consideration!—"I enveloped it in a thick sack. On examining some time afterwards, I found that it had died from suffocation."

Another dog was selected—

"Possessing the reputation of being lively, docile and intelligent."

The anterior part of its brain was transfixed on the 28th of June, and day after day, for several weeks, it was tortured in every possible way, and the effects recorded. After detailing the results, he said, on the 7th of July—

"When menaced it crouches, as if to implore mercy,"

could anything, except a demi-fiend, have felt or written in that way?—

"but it does not in consequence obey. It, on the contrary, utters cries which nothing can repress, similar to those of an uneducated dog, whose intellect is undeveloped."

What did their Lordships think the dog would have replied to the developed intellect of his torturer, could he have spoken? The very dumbness of the animals should be a powerful appeal on their behalf—

"I watched it attentively," he went on, "for the remainder of this and for the first 15 days of the succeeding month."

The ferocious prolongation of suffering should again be observed. But to sum up, in the words of Dr. Walker, let them listen to a choice category of experimental recreations—

"Forcing substances into the stomach of a dog after exposing the gullet, and tying it to prevent vomiting; opening the abdomen, tying a portion of the small intestine in two places, opening the intermediate portion, and injecting a noxious fluid into it; starving rabbits till they would eat dead frogs; forcing boiling water into a dog's stomach; boiling frogs; starving pigeons till they dropped from their perches, and then cutting off their anterior or posterior extremities to show that this caused death when the organism was exhausted from want of food."

Did man, from all this, walk in greater honour and greater security? and was it not now clear to their Lordships that they ought to do something to put a check upon such wild, wanton, and superfluous, cruelties. Now let them hear Dr. Acland, a very eminent physician—what did he say?—

"The number of persons in this and other countries who are becoming biologists without being medical men is very much increasing. Modern civilization seems to be set upon acquiring almost universally what is called biological knowledge, and one of the consequences of this is, that whereas medical men are constantly engaged in the study of anatomy and physiology for a humane purpose—that is, for the purpose of doing immediate good to mankind—there are a number of persons now who are engaged in the pursuit of these subjects for the purpose of acquiring abstract knowledge. That is quite a different thing. I am not at all sure that the mere acquisition of knowledge is not a thing having some dangerous and mischievous tendencies in it."

That very striking and most true observation deserved serious attention—

"Now it has become a profession," he continued, "to discover, and to discover at any cost."

Mr. G. H. Lewes said—

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"One man discovers a fact or publishes an experiment, and instantly, all over Europe, certain people set to work to repeat it. They will repeat it, and repeat it, and repeat it."

Mr. Lewes was right. Unless checked, they would repeat any amount of cruelty without the slightest addition of knowledge. Dr. Haughton said—

"I would shrink with horror from accustoming without foresight or forethought, large classes of young men to the sight of animals under vivisection. I believe that many of them would become cruel and hardened, and would go away and repeat these experiments recklessly. Science would gain nothing, and the world would have let loose upon it a set of young devils."

Was not, he asked their Lordships, the great rush of them already begun? Dr. Anthony, another high testimony—

"Knew himself of instances of young men, from mere curiosity, carrying on these experiments. Could mention them, but I should scarcely like to do so. . . . No anaesthetics are used to diminish the pain of the creature."

Of course not, it would be too much trouble. Respecting demonstrations by professors to students, Dr. Anthony said—

"I believe the more you keep the scenic element away the better. . . . The reason. . . . is the existence of morbid curiosity. There is a morbid curiosity which is known to medical men well with reference to operations of all kinds."

That was just what had been asserted all along—

"There are a certain number of persons who are very fond of coming to see the different operations at the hospitals. I look upon that, and particularly upon the desire of seeing these experiments on animals, as something very, very morbid indeed."

Could anything, he asked their Lordships, be more illustrative than the written statement put in by Mr. James B. Mills?—

"Observing from the daily papers that Mr. Ernest Hart alleges that students do not perform experiments on living animals as an exercise in the prosecution of their studies, I beg to forward to you a summary of my experience in that respect during my College career at Edinburgh. I am a veterinary surgeon, and I feel it my duty to aid your Society in repressing unnecessary experimentation; surveying the past as I do with much regret, so far as I have participated in the practices which I am now compelled to condemn. At Edinburgh the veterinary students and the medical students frequently associate for pleasure and for study. The experiments were certainly never designed to discover any new fact, or elucidate any obscure phenomena, but simply to demonstrate the most

ordinary facts of physiology. Our victims were sometimes dogs, but more frequently cats. Many of the latter were caught by means of a poisoned bait, the animals being secured whilst suffering from the agonies caused by the poison, when antidotes were applied for their restoration. They were then imprisoned in a cupboard at the students' lodgings, and kept there until a meeting could be arranged. Sometimes the students secured their victims by what is known as a cat hunt—that is, a raid on cats by students armed with sticks late at night. I am not prepared to say that the object of the students was to commit cruelty, or that there was any morbid desire to witness pain, but I say emphatically that there was no other motive than idle curiosity and heedless, reckless love of experimentation. What, for instance, could justify the following experiment, performed for the purpose of witnessing the action of a cat's heart? The operator first of all made an incision through the skin of the animal's chest, extending from the neck to the belly. The skin was then laid back by hooks, in order to enable the operator to cut through the cartilage of the breast-bone, and to draw his knife across the ribs for the purpose of nicking them. This process is necessary to enable him to snap the ribs and lay the fractured parts back, which also are secured with hooks. It is needless to say that such operation is a most cruel one; but it is only one of several others performed at Edinburgh. Now, the action of the heart is well known, and is one of the first things taught to students of physiology, and can be taught as well without experimentation as with. In a few cases the animals were narcotized, when no suffering was caused either in the process of poisoning or in the after experimentations."

The repetition, then, their Lordships would see, was for diversion, not for knowledge.

"The securing an animal for an operation like the above requires experience and care, and it is fearful to witness the struggles of the animal while this is being done. I desire to exonerate the Professors from any participation in the experiments performed by students, which were conducted at the private lodgings of students, when none but students were present."

On cross-examination, Mr. Mills confirmed these statements. He said—

"The experiments" (made chiefly on cats and dogs) "had no other motive than idle curiosity and reckless love of experimentation."

All the students (a class of 70 or 80) assisted more or less at these useless experiments. They were sometimes done in public in the yard of the college—

"The habit of doing such things is sure to go on unless a stop is put to it."

He referred to a special case which occurred last winter session. A horse was bought for the purpose of dissection.

This animal was subjected during a whole week to various operations, such as tenotomy and neurotomy, &c. The operations were "very painful." No anæsthetics of any kind were given. The experiments were made "all over the animal." Edinburgh, it was clear, would soon be a match for Paris in competitive examinations on animal torture.

"A dog, too, which was first half poisoned and then restored by an antidote, received 'brutal usage.' The brains were knocked out by a hammer."

The story of the horse was subsequently confirmed by Principal Williams. Dr. Scott, also, might be heard on the easy indifference of these lovers of scientific truth. After describing how he ceased to attend the physiological lectures in Edinburgh on account of the cruelty he witnessed, he said that—

"It did not provoke the slightest symptoms of abhorrence among those who witnessed it." He "never knew an operation cause the least abhorrence to a medical student."

Vivisection, he believed, went on among students in their own rooms. But few things had alarmed him (the Earl of Shaftesbury) more than something he saw lately in the text book of the Science and Art Department of the Committee of Council on Education, a book entitled *Lessons in Elementary Physiology*, by Thomas Huxley, LL.D., F.R.S. Had he not seen it he could hardly have believed it possible, strange and numerous as were the novel things that sprang up every day. In the preface to the first edition, Professor Huxley said—

"The following 'Lessons in Elementary Physiology' are primarily intended to serve the purpose of a text book for teachers and learners in boys' and girls' schools."

In the next place, it was strongly insisted—

"that such experiments as those subjoined shall not merely be studied in the manual, but actually repeated, either by the 'boys and girls' themselves, or else by the teacher in their presence, as plainly appears from the preface to the second edition. There it was said, 'the knowledge' which is 'attainable by mere reading, though infinitely better than ignorance,' yet loses 'almost its whole worth as an intellectual discipline' to those who seek it only in books. Where then could it be sought but in the living animal?"

And the last phrase showed it by as-

serting the necessity of the knowledge "arising from direct contact with fact." But, that there might be no doubt, he asked their Lordships' attention to the passage in the ninth edition, page 52—

"If in a rabbit," the Professor stated, "the sympathetic nerve which sends branches to the vessels of the head is cut, the ear of the rabbit . . . at once blushes . . . To produce pallor and cold in the rabbit's ear, it is only necessary to irritate the cut end of the sympathetic."

It was manifest that the incision to make the ear of the rabbit blush must be on the living, and not on the dead, animal. And was that the way, he asked, to bring up children? Was that the progress we had made in the 19th century? From ignorance, perhaps, the tendency of children was to be cruel, and who did not know the necessity of daily rebuke to check that propensity? But under this unprecedented scheme of intellectual training they were to be accustomed, from their earliest years, not only to witness, but to inflict, agonies of pain on the poor helpless creatures they should be taught to love and protect. Sir Astley Cooper must have been brought up after this fashion. In his life by his nephew, Bransby Cooper, we read the following story:—

"During this time, Astley, who was always eager to add to our anatomical and physiological knowledge, made a variety of experiments on living animals. I recollect one day walking out with him, when a dog followed us and accompanied us home," mark this—the dog is taught by nature to confide in man, "little foreseeing the fate that awaited him. He was confined for a few days, till we had ascertained that no owner would come to claim him, and then brought up to be the subject of various operations. The first of these was the tying one of the femoral arteries. When poor," mark the pity, "poor Chance, for so we appropriately named the dog, was sufficiently recovered from this," mark the brutality of that tender care, to cure him for further suffering, "one of the humeral arteries was subjected to a similar process. After the lapse of a few weeks the ill-fated animal was killed, the vessels injected, and preparations were made from each of the limbs. It appears," the biographer continued, "that the dogs sacrificed in my uncle's scientific researches were not unfrequently procured in this manner."

That was, as the biographer had stated elsewhere, by agents, who obtained the animals by every form of illicit art—

"Nothing but the objects which led to these delinquencies," added the historian, "could offer an excuse for such proceedings."

The Earl of Shaftesbury

And so they had there, as elsewhere the full indulgence of the precept, that the end justifies the means. But he (the Earl of Shaftesbury) must go further. He did not know whether their Lordships would hesitate to join him in believing that in such an ardent adoration of science, worshipped and pursued under the high pretext of the universal alleviation of human suffering, pursued for discoveries that were to raise man's intellect by perpetual progress, in this kind of knowledge, with an increasing relish for it; the step was very narrow between the vivisection of the animal and the vivisection of the human being. It had been so in old times; it might be so again. Dr. Macaulay, in his valuable work *Plea for Mercy to Animals*, said, that the system prevailed in the days of Celsus, in a time of refinement and what was termed high civilization—Celsus wrote with horror of the cruelties perpetrated on living men and living women. But the world was returning, he (the Earl of Shaftesbury) said, to many of the opinions of those earlier days; and why not, then, to their practices? This was no mere conjecture. It was to be recollected that Cheselden, one of the most distinguished surgeons of the last century, wishing to investigate a surgical question, had proposed to try the experiment on a criminal condemned to death, but the opposition which was manifested on this occasion prevented his desire being carried into effect. That was good; but people became familiar very soon with strange things often proposed; and science at that time had not then, as now, been deified. But something was dawning even in modern minds. The testimony of Dr. Rutherford gave cause for quietude—

"In your judgment," he was asked, "are operations of that description upon the dog to be taken as evidence of what the effect would be on a human being?"—"Certainly not; but merely as suggesting what the action would be, that is all. The experiment must also be tried upon men before a conclusion can be drawn."

Exactly so; and if in the fanatical authority of science, and the equally fanatical obedience to it, some conclusions were declared to be absolutely necessary, criminals, as heretofore, might be utilized for the purpose—For, though scientific men were no worse, they were no better,

than other men, most of whom succumbed to temptation and opportunity. Professor Rolleston seemed to entertain a similar apprehension—

“With regard,” he said, “to all absorbing studies, that is the besetting sin of them and of original research, that they lift a man so entirely above the ordinary sphere of daily duty that it betrays him (in other lines of original research as well as this) into selfishness and unscrupulous neglect of duty;”

and he added the testimony of an eminent Professor. Mr. Skey, said he, wrote in his work—

“A man who has the reputation of a splendid operator is ever a just object of suspicion.”

No doubt, for opportunity to such men was almost irresistible. But these operations appeared to blunt the understanding in many as much as they hardened the heart. Some learned men had actually declared that animals were like puppets—they kicked, cried, and made a noise, but had no feeling whatever. Such was the attempted despotism of science over common sense. Others urged that animals were not to be pitied, because they had no foreknowledge of what was going to happen. But, if that was so, it was the best and most fearful argument he had ever heard, and one conducing to the issues just mentioned, for the vivisection of babies and idiots, for they would have no foreknowledge of the torture that awaited them. But the strongest part of the whole evidence to show the degradation of moral feeling was that of Dr. Klein, who was employed officially by the Medical Officer to the Privy Council. These were some of the questions put to him, and his answers to them—

“When you say that you only use anæsthetics for convenience’ sake, do you mean that you have no regard at all to the sufferings of the animals?”—“No regard at all.”

“Then for your own purposes you disregard entirely the question of the suffering of the animal in performing a painful experiment?”—“I do.”

“But, in regard to your proceedings as an investigator, you are prepared to acknowledge that you hold as entirely indifferent the sufferings of the animal which is subjected to your investigation?”—“Yes.”

What could surpass or even equal such philosophy as that? And finally, a gentleman, whom he would not name, bore testimony to the “kindness” of Dr.

Burdon Sanderson and Dr. Klein. When interrogated—

“Whether he did not think that the habit of regarding animals as a mere battery of vital forces on which particular results are to be studied, necessarily to a certain extent produces the effect of diminishing the sympathy with their sufferings?” he said “I think not. I do not know anywhere a kinder person than Dr. Burdon Sanderson.” “Or than Dr. Klein, for instance?” asked the Commission. “I have no reason,” said this gentleman, “to think otherwise of him.”

That opinion, from such a person as the gentleman he would not name, completed his (the Earl of Shaftesbury’s) conviction of the evil effects of those practices on a kind and generous nature. But to conclude, the subject was inexhaustible; it was impossible for him to compress within a small compass all the arguments that might be urged, and all the facts that might be adduced; but he was not pleading for total abolition, he was pleading only for mitigation of the system, and surely there was no wisdom in declaring that one evil should continue to exist because another could not be put down. Up to this point scientific men were with the advocates of restriction. England had prohibited bull-baiting, cock-fighting, prize-fighting, all of which had, in their day, no end of logic and sentiment in their favour; and why should she not hold her place among all the nations of the earth, and be the first to reduce, within the closest possible limits, the sufferings inflicted by man on the whole animal creation?

LORD HENNIKER said, he might, perhaps, be allowed to make a few remarks on the subject of vivisection, dealt with in the Bill before the House, as he had taken some interest in it, and last year brought in a Bill to deal with it. He readily withdrew the Bill on the appointment of a Royal Commission, and it would afford him much gratification if he could suppose that its introduction had in any degree tended to bring the question to an issue. He believed his Bill was all that public opinion would have sanctioned at the time; but during the last year a great advance had been made. The public had been roused to a sense of the real position of affairs by the unanimous Report of the Royal Commission, on which two well-known physiologists served. He believed also that the feeling on the

subject was not confined to this country but was spreading to other countries. In Sweden and in America a movement against the practice of vivisection was on foot, and he believed that a Bill was actually in print in America, and its promoters were only waiting to see what action was taken in this country before introducing it to the Legislature. The Government deserved the thanks of all those who agreed with him in thinking that legislation was necessary, for bringing in this Bill. They had introduced a stronger measure than that he had himself ventured to bring forward last year, at the same time it was not of too stringent a character — too stringent legislation would be unwise. Perhaps those persons who wished to see the practice of vivisection absolutely prohibited might think the Bill did not go far enough, but he would venture to remind them that there was such a thing as going too far, and particularly in regard to a question of this kind—if it went too far it was almost certain to be evaded. They were not dealing with an uneducated class of men, but with the most cultivated and intellectual class, and he believed — whatever some physiologists, who acted on purely selfish motives, might feel—that the leading men among them would set the example by loyally carrying out any reasonable measure which might be passed; he believed also that public feeling would be against passing too strong a measure. The Bill of the Government should secure the support of the Royal Society for the Prevention of Cruelty to Animals, for it embodied many important suggestions made by that Society last year, with the exception of one—namely, that the use of curare should not be prohibited as an anæsthetic. He hoped there would be no modification of this clause, for, although the discovery was wonderful in itself, it was so terrible in its effects that its use ought not to be sanctioned. As to those who practised in physiological schools, no one, for a moment, wished to cast any sweeping condemnation upon them—they appeared willing to accept any reasonable measure. But it appeared to him that when fresh schools for scientific teaching were being established every day, and the taste for scientific research was increasing, the proper time had arrived for

Lord Henniker

dealing with the question, so that all might know on what ground they stood; and he thought that the Bill introduced by the Government offered a fair basis of a settlement of this question.

THE EARL OF AIRLIE said, he did not wish to enter into any discussion on the principle of the Bill, with respect to which their Lordships seemed to be practically agreed, but desired to point out that one of its provisions was much more stringent and sweeping than anything recommended in the Report of the Royal Commission. He referred to the sub-section of Clause 3, which would absolutely prohibit a class of experiments which, although they might give a certain amount of pain, were neither unimportant nor unnecessary, and which might be productive of great utility in dealing with the diseases of domestic animals such as cattle and sheep. During the time of the cattle plague numerous experiments were tried which proved unsuccessful; had this Bill then been in operation these experiments could not have been tried, and the result would have been a prohibition against experiments of any kind. It would be a strong thing to interfere with experiments for discovering the causes and remedies of diseases in cattle and sheep—especially as they were usually attended with very little pain and the diseases were becoming more widespread and severe than formerly. It appeared to him also that Clause 5, which absolutely prohibited experiments on dogs and cats, went considerably beyond the recommendations of the Commission, and ought not to stand in its present form. All were agreed that effectual provision should be made against the infliction of wanton cruelty, but care must be taken not to make restriction too stringent. He would propose an Amendment in Committee on the subject.

LORD STANLEY OF ALDERLEY said, no time should be lost in putting a stop to vivisection as it was now practised, for it had been stated, and the report had not been contradicted, that women carried lobsters and rabbits and other animals to vivisect them in girls' schools. Such education was only fit for the daughters of Danaus. The philosophers wished to introduce this study of anatomy into the elementary schools, whilst they excluded from them the Bible.

LORD WINMARLEIGH expressed, as a Member of the Royal Commission, his satisfaction at the way in which the Bill had been received by the House. But he wished to refer to a point that had been raised relative to the absolute exemption of two classes of animals—cats and dogs—from vivisection. He believed such a distinction was unnecessary. The Commissioners did not name those animals in their Report because they had confidence that efficient legislation would follow on their Report, and that, if it were properly carried out, neither dogs nor any other domestic animals would be subjected to anything like unnecessary cruelty. As to the objection made by the noble Earl who spoke last but one (the Earl of Shaftesbury), he would only say that he would find that the investigations to which he alluded might be carried out under another clause of the Bill. The noble Earl said it had been shown that Harvey had not discovered the circulation of the blood by vivisection; but Harvey's own words quoted in the Report, proved that this statement was incorrect. He preferred the evidence given before the Royal Commission by Professors and recognized authorities to the pamphlets and the statements which he saw in the public prints. The noble Earl doubted whether any benefits had been derived from vivisection. He (Lord Winmarleigh), on the contrary, was of opinion that many remedies for complaints could be traced to the practice. This Bill of the Government being based on the recommendations of the Commission, would receive the support, not only of the physiologists, but also of all reasonable anti-vivisectionists. The persons who took an ultra view of vivisection could not found their arguments on the evidence adduced before the Commission. They had been led to adopt exaggerated notions, which hitherto had carried too much weight in the country. Believing that the Bill would prevent all abuses, and fairly combined the views of physiologists and philanthropists, he should give it his cordial support.

VISCOUNT CARDWELL denied the statement of the noble Duke (the Duke of Somerset) that the Report of the Commissioners had gone beyond the evidence, and in that view he was supported by Sir Thomas Watson, Sir

George Burrows, Sir James Paget, Dr. Acland, and other eminent members of the medical profession. Men like Mr. Darwin, Professor Owen, Mr. Huxley, Sir William Fergusson, Dr. Taylor, and Professor Gamgee concurred in thinking that the practice of vivisection called for regulation by superior authority, and far from being afraid of the restrictions recommended by the Commission, would be willing supporters of any measure which did not go beyond its recommendations. We were passing through a scientific revival, and a great start was being given in this country to the practice of vivisection. Everything depended, therefore, whether we should seize the opportunity for wise legislation. If we controlled the system in its infancy we should have an advantage which might never occur again. In the Bill generally he had the greatest pleasure in concurring, reserving to himself the right of suggesting some Amendments in Committee in points where the Bill had gone beyond the views of the Royal Commission. It had been a painful duty on the part of the Commissioners to go into the horrible details connected with this subject; but if his noble Friend should be able to carry this Bill into law, they would be amply rewarded for their painful duties. The Government would do credit not only to themselves, but to the country if they were able to pass a measure of this kind on a subject which had interested the people of England from the Sovereign on the throne to the humblest of her subjects. The Crown and Parliament of this country would set an example to the civilized world by dealing with this subject in a manner which, as he believed, while it avoided any interference with the claims of science, would recognize the just claims of humanity.

*Motion agreed to :—*Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

House adjourned at Eight o'clock, till
To-morrow, half-past
Ten o'clock.

HOUSE OF COMMONS,

Monday, 22nd May, 1876.

MINUTES.]—WAYS AND MEANS—*considered in Committee*— (£11,000,000) Consolidated Fund.

PUBLIC BILLS — *Ordered — First Reading* — Elver Fishing* [162]; Smithfield Prison (Dublin)* [163].

First Reading — Agricultural Holdings (Scotland)* [159]; Supreme Court of Judicature (Ireland)* [161].

Second Reading—Tramways Order Confirmation (Wantage)* [157]; Gas and Water Orders Confirmation* [158].

Committee—Report—Notices to Quit (Ireland)* [114-160].

Considered as amended — Merchant Shipping [144]; Admiralty Jurisdiction (Ireland)* [121].

CORRUPT PRACTICES AT ELECTIONS ACT—NORWICH AND BOSTON ELECTION COMMISSIONS.—QUESTION.

MR. J. R. YORKE asked the Secretary of State for the Home Department, Whether it is the intention of the Government, in accordance with precedent, to recommend to Parliament legislative action, based upon the Reports of the Royal Commissioners appointed to inquire into the existence of Corrupt Practices in the City of Norwich and the Borough of Boston?

MR. ASSHETON CROSS, in reply, said, he had not time to communicate with the hon. and learned Attorney General or his Colleagues in reference to the action that ought to be taken upon the Reports of the Norwich and Boston Election Commissions, but he would make a statement on Thursday or Monday.

IRELAND—THE UPPER SHANNON—BALLYCONNELL CANAL.—QUESTION.

MR. ERRINGTON asked the Chief Secretary for Ireland, Whether his attention has been called to the dilapidated condition of the Ballyconnell Canal, and of the various works connected with it; and if he can state who is responsible for the due application of the presentment annually raised for maintaining the Canal; and, whether he will cause inquiries to be made as to why the swing bridge at Lanesborough has been allowed to remain for more than 12 months out of repair, and

generally as to the bad state of the buoys and beacons on the Upper Shannon, with the view to having them put in proper repair?

SIR MICHAEL HICKS-BEACH: All the matters referred to in the hon. Member's Question are under the control of the Board of Works in Ireland, which is a department of the Treasury, and not responsible to the Irish Government. But I am informed by the Board of Works that steps are about to be taken to repair the Ballyconnell embankment; that the trustees who represent the counties of Cavan, Leitrim, and Roscommon are responsible for the due application of the presentment annually raised for maintaining the canal; that the swing-bridge at Lanesborough has been allowed to remain for some time out of repair because the small funds available for the repairs on the Upper Shannon navigation were more required for other works, but that it will be repaired this summer; and that the buoys and beacons on the Upper Shannon were much injured by last winter's floods, but have by this time been replaced.

ELEMENTARY EDUCATION ACT—ATTENDANCE AT SCHOOLS—QUESTION.

MR. HEYGATE asked the Vice President of the Council, Whether, in the half-year ending Christmas 1875, the number of children in average attendance at the voluntary schools of the Tower Hamlets and Marylebone Divisions of the London School Board did not show a decrease of 1,082 and 714 respectively, whilst in the same period the increase in the Board Schools amounted only to 716 and 128 respectively; what amount of accommodation has been provided by the London School Board in the Tower Hamlets Division; whether, in the half-year ending at Christmas 1875, there was not accommodation for 412,259 children in "efficient" schools in London, and whether the average attendance for the same period was not 288,497 only; whether, in spite of the compulsory bye-laws and the opening of several large Board Schools during the period above mentioned, the general result has not been a reduction in the average attendance of children in the voluntary schools of 5,310, whilst the increase in the Board Schools has only amounted to 6,774,

leaving a nett increase for all the "efficient" schools in London (both voluntary and Board) of 1,464 only; and, how many schools were opened by the Board during the same period, and what was the amount of additional accommodation thus provided?

VISCOUNT SANDON: I have referred my hon. Friend's Question to the London School Board, and will now give him their reply. It is true that in the half-year ending Christmas, 1875, the number of children in average attendance at the voluntary schools in the Tower Hamlets and Marylebone divisions showed a decrease of 1,082 and 715 respectively, and that in the same period the increase in the Board schools in these divisions amounted only to 716, and 128 respectively. The London School Board has provided accommodation for 19,758 children in the Tower Hamlets division, of which accommodation for 955 children has been added during the half-year above mentioned. It is also true that in the half-year ending Christmas, 1875, there was accommodation for 412,259 children in efficient schools in London, and that the average attendance for the same period was 288,497. During the half-year ending Christmas, 1875, it is true that there has been a reduction in the average attendance of children in voluntary schools of 5,310, the increase in Board schools amounting only to 6,774, leaving a nett increase upon the efficient schools of London of 1,464. I am, however, bound, as a matter of justice to mention to the House that the School Board has informed me that the half-year which ended last Christmas was exceptionally bad, owing to the severity of the weather and the sickness which prevailed; also that the half-year which my hon. Friend has taken includes the holidays, and that the winter quarter is, as a rule, the worst for attendance. I must also mention that if you compare the last half-year which my hon. Friend has taken with the corresponding half of the preceding year, instead of comparing it with that ending in June, it will be found that in the Marylebone schools there was an increase in average attendance of 716 in the Board schools and 268 in the voluntary schools, and in the Tower Hamlets of 1,932 in the Board schools and 406 in the voluntary. In fairness, also, it should be added, as the question is a very important one, that

the Board informs me that if you compare the average attendance for the whole of the metropolis between 1875 and 1871 the increase in the average attendance in Board schools has been 78,645, and in the voluntary schools 35,551.

THE EUROPEAN ASSURANCE SOCIETY ARBITRATION.—QUESTION.

SIR EARDLEY WILMOT asked Mr. Attorney General, If his attention has been directed to the judgments delivered on the third instant by the Court of Appeal of the High Court of Judicature, in two cases arising out of the affairs of the European Assurance Company, which had been decided by Lord Westbury, and wherein his judgments had been confirmed by Lord Romilly, but against which decisions appeals had been brought by the Official Liquidators; if any similar appeals are now pending, and if the Official Liquidators still receive the salary of £4,000 per annum; and, if so, whether the same rate of remuneration will be continued during the progress of the present arbitration; and, if any arrangement could be made by which the Arbitrator could sit from day to day, in order to expedite the progress of the business, instead of only occasionally, as at present?

THE ATTORNEY GENERAL, in reply, said, that the appeals referred to had been properly brought under the Act 38 & 39 *Vict.*, c. 157, and that judgment had since been given upon them. He was unable to answer the remaining questions of the hon. and learned Gentleman, having no control over the Arbitration, and it not being part of his duty to ascertain the particulars referred to in the hon. and learned Member's Question.

PETITION OF MR. CHARLES HENWOOD. QUESTION.

SIR EDWARD WATKIN asked the honourable Member for Southwark (regarding previous postponements), Whether he now proposes to withdraw his Motion in reference to Mr. Henwood?

COLONEL BERESFORD: I beg to say, in reply to the Question put to me by the hon. Member for Hythe, that I am not one of those persons who, having "put his hand to the plough looketh back,"

and emphatically to assure him that from the moment I undertook to present Mr. Henwood's Petition for the consideration of this House, I have never halted nor faltered in my intention to bring the subject-matter of that Petition to a direct issue on the earliest day the Forms of the House will admit of my doing so. In fact, a Notice of Motion for a Select Committee stands in my name for Friday, June 9, and is No. 1 on the list, and I shall be glad if the hon. Member for Hythe will now join with me in an appeal to the hon. Member for Pembroke, who has expressed so much anxiety for the appointment of a Committee, but has taken no steps, that I am aware of, to secure it, to urge upon the Government the desirability of granting this Committee of Inquiry unopposed.

KOREA—PROPOSED TREATY.

QUESTION.

MR. PENDER asked the Under Secretary of State for Foreign Affairs, If he will lay upon the Table Copies of the Correspondence received from Sir Harry Parkes, Her Majesty's Minister at Yeddo, on the subject of the Treaty lately concluded between the Japanese and Korean Governments; and, if instructions have been given to negotiate a Treaty on behalf of Great Britain with Korea?

MR. BOURKE: No instructions have as yet been given to negotiate a Treaty with Korea, but Her Majesty's Government are in communication with other Governments as to the course which it may be advisable to pursue. There will be no objection to lay on the Table Papers on the subject of the Treaty between Japan and Korea. I need hardly say that Her Majesty's Government would be glad to avail themselves of an opportunity for extending British trade in the East, but we know very little about the Koreans, and from the little we do know, it would appear that there is a strong aversion on their part to hold any communication with foreigners. The case is, therefore, one in which it is desirable to act cautiously, and, if possible, to act in concert with other Powers.

SIERRA LEONE — THE FINANCIAL POSITION.—QUESTION.

MR. PRICE asked the Under Secretary of State for the Colonies, Whether

Colonel Beresford

it is true that any of the Government officials at Sierra Leone have been informed that, in consequence of the financial condition of the Colony, their salaries cannot be paid in full for the present, but that such sums as may be possible will be paid them on account, until the finances of the Colony improve?

MR. J. LOWTHER, in reply, said, he was not aware that the financial position of Sierra Leone was as sad as the hon. Member represented it to be, though there certainly was a deficit in the colonial revenue. That deficit arose mainly from a decrease in the amount of Customs duties, and this was one of the grievances which it had been proposed to remedy by the cession of territory to France. The latter scheme having been abandoned, it would now be the duty of the Government to look into the matter, with a view of relieving the colony from its financial difficulties.

NAVY — ENGINEER OFFICERS AND ENGINE-ROOM ARTIFICERS.

QUESTION.

MR. GORST asked the First Lord of the Admiralty, When he expects to be able to communicate to the House the scheme for the improvement of the present unsatisfactory position of the Engineer Officers and Engine-room Artificers of the Royal Navy?

MR. HUNT, in reply, said, he could only repeat what he had stated some time ago, that he could not promise to lay the scheme before the House very speedily, the matter being one of very considerable difficulty.

MR. GORST gave Notice that on the Motion for going into Committee of Supply, he should call attention to the subject, and to the urgent necessity for taking steps to remedy the existing unsatisfactory state of things.

CRIMINAL LAW—RELEASE OF POLITICAL PRISONERS.—QUESTION.

MR. M. BROOKS asked the First Lord of the Treasury, If it is his intention to advise Her Majesty to extend Her Royal mercy to the prisoners still suffering punishment for offences in breach of their allegiance to Her Majesty?

MR. DISRAELI: Sir, it will be convenient to the House, in reference to

this Question, which to a certain extent comes forward periodically, that it should have a clear conception of the number of persons who are at present in the situation described by the hon. Gentleman, because I think that without they have that information it would be difficult for the House to comprehend the circumstances under which any Government thus appealed to is to arrive at a conclusion. At present I find that there are only 15 persons who can come under the description of which the hon. Gentleman has availed himself. There are two of those persons in prison for the crime of murder; they were convicted of murder, and the sentence of death was passed upon them, and that sentence was commuted to one of penal servitude for life. I refer to this fact because on a previous occasion, in a discussion in this House, the case was noticed as one in which the individuals in question were guilty of high treason, and it was urged that that being the case, it was not right to allude to the circumstances of murder connected with the particular incident, because the prisoners must be looked upon as political offenders, provided they were found guilty, either of high treason or of treason-felony. I find according to the record they were not found guilty of high treason or of treason-felony, but they were prosecuted for the crime of murder, and found guilty of murder; and, therefore, under these circumstances, I do not think that we should be justified in admitting that they are to be considered as political offenders. It appears, then, that of these 15 persons—omitting the two to whom I have adverted—there are six in prison in England. A case which has excited great attention is the case of Michael Davitt, who was convicted with another man named John Wilson. They were charged with treason-felony, with conspiring to depose the Queen, with levying war against the State, and with supplying arms to the Fenian organization, and they were both found guilty. Wilson was sentenced to seven years' imprisonment, Michael Davitt, his confederate, to 15 years' penal servitude. Now, it so happens that Wilson has worked out his time, whether entirely or with some of those attenuating conditions that attach now to almost every punishment I do not exactly know; but certainly he has served his

time; and Davitt, who was sentenced to double the term, is still in prison. It is for the House to remember that the Judge, when he sentenced Davitt, respecting whom so many efforts of interposition are making, to double the period of servitude to the term passed upon the other offender, must have considered that there was in his crime very aggravating circumstances. Now, Wilson has just worked out his seven years, and it becomes necessary for those who are responsible for these matters to consider whether it is politic to permit a man who has been found guilty by a jury of very aggravated conduct to find himself equally free at the termination of half the period of his sentence with the comparatively harmless man whom the same authorities thought deserved a far lighter punishment. I think, however, that this is a question which society should not determine hastily, and which we ought to consider very deeply before we proceed to take action with regard to it. Then there is the case of Daly. Well, I have gone through these cases, and with the exception of these two, I find that the remainder in England are all military. There are three soldiers who are in prison in England for very aggravated cases, of knowledge of intended mutiny—knowledge of a conspiracy against the Queen, and not revealing it, and in their instances even taking an active part in the conspiracy. All the rest of the military convicts have been transported to Western Australia; and with regard to them, before I answered the Question of the hon. Gentleman I should have made myself acquainted with their exact and precise position. It is from no want of pains on my part that I have not succeeded in obtaining that information, for I should much like to know the exact condition of those persons. Two of them have, I understand, worked out their time, and are now free, and I cannot but believe, from something that has reached me at different times in regard to this matter, that those who are not free are in a position very different from that which is generally contemplated in this House as being connected with the condition of convicts in a state of penal servitude; and I would remind hon. Gentlemen that if pardons were offered to any individuals who had connected themselves

with those disturbances in Ireland it is not highly improbable that conditions would be insisted upon in those pardons by which those receiving them would be compelled to absent themselves from this country. ["Hear, hear!"] That assent only proves that it may not be impossible that many of these convicts in Western Australia are, in fact, at this moment enjoying a state of existence that their Friends in this House are quite prepared they should accept, and by commencing, and perhaps pursuing, a life of some prosperity and comparatively little restraint, it is a question whether the attainment of the object desired by those Friends and the country would very much avail. I have thought it necessary to put these views on this subject before the House, and I will briefly recapitulate my remarks. There are only six of these Fenian prisoners imprisoned in England, and I doubt whether, except in England, any are enduring any hardship. Two of them are murderers. ["Oh, oh!"] They were convicted of murder, and I do not see the wisdom or charity of regarding them as political offenders. With regard to the case of Davitt, that, it is said, is a hard case, because his companion is free; but I beg to remind the House that in that instance his conduct was considered very aggravated, and that in justice to those who, like Wilson, have behaved with more moderation, though guilty of misdemeanour, it requires considerable hesitation before one interferes with the verdict of a Court of Justice. Then there are the cases of the three soldiers also imprisoned here, whose offences are of too grave a nature to allow them to be passed over. All the rest are military cases, and I would remind the House that since the question was mooted last year, and a Return moved for by an hon. Gentleman, two of these prisoners have become released in the natural course of the regulations, according to the punishment they were called upon to endure. Under these circumstances, the House will see that these are not cases to be decided in an off-hand manner, and, having indicated the principle which I think ought to govern any Minister in a case of this kind, I am bound to say that I am not prepared to advise Her Majesty to release the prisoners referred to in the Question of the hon. Gentleman.

Mr. Disraeli

MR. O'CONNOR POWER begged to move the Adjournment of the House, in order to record his protest against the decision which the Government had arrived at upon the subject. The announcement just made by the Prime Minister would, he believed, be received in Ireland with mingled feelings of surprise, regret, and indignation. He could not sympathize with the right hon. Gentleman in the hesitation which he had displayed in answering the Question of his hon. Friend. The memorial which they had presented bore the signatures of 138 Members of the House of Commons, who believed that the time had come when those prisoners might be released from their confinement; and he could not but express his condemnation of the policy of perpetuating political animosity by keeping the men in prison. He felt it his duty to protest against the policy pursued by Her Majesty's Government of trampling, as they were in this instance, on fallen foes. It ought to be the policy of that Government to lay aside animosities in that struggle; and now, when Ireland was remarkable for peace and tranquillity, the opportunity might be taken for cementing the friendship which was growing up between the two countries by an act of clemency and generosity. It seemed to him that the appeal made by so many hon. Members ought to have more weight than it seemed to have had with the right hon. Gentleman, and especially at a time when the whole nation was rejoicing at the safe return of a Member of the Royal Family. He could only record his protest against the decision the Government had come to in the matter.

Motion made, and Question proposed,
 "That this House do now adjourn."—
 (*Mr. O'Connor Power.*)

MR. ANDERSON: Lest it should be supposed that all hon. Members sitting below the Gangway on this side of the House entertain the same opinion as that expressed by the hon. Gentleman who has just sat down, I beg to say that I rise to record my cordial approbation of the statement which has been made to the House by the First Lord of the Treasury. Regarding the Petition, signed by 138 Members, to which the hon. Member for Mayo has referred, I

may observe that very great pressure was put upon hon. Members to sign that requisition. I myself was asked no fewer than six times to sign it; and I know that other hon. Gentlemen were repeatedly asked. Moreover, statements were made to them which were not in accordance with the facts communicated to the House by the Prime Minister this evening. For my part I refused to sign the memorial unless a clause was introduced excepting from it the extension of mercy to those who had been found guilty of murder through being connected with the Fenian affair at Manchester or with the Clerkenwell outrage, and as that was not inserted, I persisted in my refusal. Many hon. Members on this side of the House refused in the same way; and I believe that a considerable number of those hon. Members who did sign the memorial signed it in ignorance of the fact that the clemency asked for was to be extended to the prisoners guilty of other crimes than that of breach of military allegiance. ["Name, name!"] I am not provided with names; but I have no doubt there are plenty of hon. Members who can endorse the statement I have made. If the right hon. Gentleman agrees, as I understand him to agree, to remit the sentences of those military men in Australia, under certain conditions of non-return to this country, I think he will do all that the House can expect of him.

MR. BIGGAR said, he thought it right to say a few words in connection with that affair. It was a question which really concerned the honour of England more than that of Ireland. This question of the punishment of a few men might not seem a great matter; but if England were the great and powerful country that it ought to be, these things could not occur. It was generally supposed that the Commander-in-Chief of the Forces was one of those who had great objection to the remission of these sentences. That was not strange in a country which had entrusted the command of the Army to a German Prince not identified with England, and who could have no sympathy with either its interest or honour. It was not strange that this clemency asked for should not be granted by the Prime Minister, a Gentleman who had truckled last year to Prince Bismarck, and who was an alien

in race and religion to the people of England. England had been brought so low that on a recent occasion, when the Eastern Question was raised, the three Emperors settled what they would do, and only then asked England whether or not she would agree. [*Cries of "Question!"*] That was the question; England's honour was involved, and if she was afraid to let some half-dozen poor Irishmen out of prison, it did not speak well for her.

MR. PARNELL said, the right hon. Gentleman the Prime Minister had spoken of two of the prisoners as being murderers, meaning those who had been convicted at Manchester. He had also spoken of soldiers subject to imprisonment in Western Australia. He had also spoken of those military prisoners who were in prison in England, and whose military crime he was disposed to consider a greater one than that of those in Western Australia. He (Mr. Parnell) was speaking of Davitt and Wilson, found guilty of selling arms. With regard to the Manchester affair, he held in his hand a book called *The Rights of American Citizens*, which could be seen by any Member, as it was ordered by the United States Congress as a Return. It gave a report of the trial of Condon and Maloney at Manchester. If any hon. Member would take the trouble to read the evidence—if the right hon. Gentleman himself would take the trouble to read the book, he would see that the evidence against Condon was given in full, and he would find that there was not a particle of evidence to connect him with that murder. At the very outside his name was mentioned by three or four witnesses as having been in the crowd around the van. He was not mentioned as being near the van, except by one man who said a stone fell on Condon's head from the van; but he was attended by a surgeon who said the wound was not caused by a stone, but more likely by a policeman's bludgeon. As regarded Maloney, he was apprehended in London after the three men in Manchester were hanged. He was convicted upon his own statement to a fellow-workmen that he had been present at the attack on the van; but there were many men who knew that Maloney was no more at Manchester on the day of that business than he (Mr. Parnell) was. He was put on his trial and found guilty

of murder, and sentenced to be hanged, but the sentence was afterwards commuted to penal servitude for life. There were many men who believed in their own hearts that neither Condon nor Maloney was guilty of that affair. He was sorry that the hon. Gentleman the junior Member for Tipperary (Mr. Stephen Moore) was not in his place that evening to stand up and say he believed that Condon was perfectly innocent of the crime of killing Sergeant Brett at Manchester. With regard to the military prisoners who were confined in Australia, he thought the right hon. Gentleman was under a misapprehension when he represented to the House that they were in a better position in Australia than they would be in this country. He (Mr. Parnell) remembered that the late Mr. Ronayne, before he left London to go to Cork—and he was a man with special information on the subject—told him it was supposed that the convict establishments in Western Australia were about to be given up, and, as a consequence, the prisoners, if not released, would be sent to penal servitude in England, so that it would be additionally hard to those men, who had been enjoying some absence from penal restraints, should they be brought back and put in such convict prisons as Chatham or Dartmoor, and subjected to the rigour of English penal servitude. He threw out those hints in order that the right hon. Gentleman might inquire into the matter. With regard to the three prisoners who were now in prison in England, M'Carthy, Chambers, and another, M'Carthy was a brave soldier, who had fought, and fought well, for England in many parts of the world. Was it fair, after that man had had 10 years in penal servitude—10 years of discipline, which was given in order to effect reformation in the minds of thieves, murderers, and the worst of criminals—was it fair to keep the man in imprisonment any longer? With regard to Davitt, who was sentenced to 15 years' penal servitude by a Judge, he might say that the man who only got seven years was an Englishman; and he did not know how much effect Davitt's being an Irishman might have had with the Judge. ["No, no!"] Hon. Gentlemen might say "no, no," but it was very hard to be superior to prejudices on all occasions; and he had little doubt that when this man was sentenced to 15

years' penal servitude, the fact of his being an Irishman, and the fact of this occurring just after the Clerkenwell Explosion, and after the murder of Sergeant Brett, which created a great deal of feeling in the minds of the middle and upper classes of this country, had some influence in determining the sentence passed on him.

MR. CALLAN regretted that the Prime Minister—he had no doubt unwillingly—had felt himself compelled to refuse the prayer of the Petition in favour of the political prisoners. He gathered some hope, however, from the subdued cheers with which that announcement was greeted, so different in tone and intensity from the vindictive cheers which greeted a similar announcement two years ago, that the time would soon arrive when the appeal for mercy would be yielded to. He rose to repudiate, in his own name and the names of the hon. Members for Limerick and Mayo, and the noble Lord the Member for Clare, the statement of the hon. Member for Glasgow (Mr. Anderson), that they had obtained signatures to the declaration laid before the Prime Minister on false pretences. He repudiated with the most thorough contempt which the usages of Parliament allowed the statement of the hon. Member for Glasgow. The language of the hon. Member was insolent to the House and unbecoming the position of a Member of Parliament. There were attached to that Petition the names of 138 Members. When the hon. Member made the charge of false pretences he should have proved it, and he (Mr. Callan) called upon the hon. Member either to give the names of the Members who had obtained signatures to the Petition under false pretences, or to withdraw the charge.

MR. ANDERSON: I did not use the words false pretences.

MR. CALLAN: I took down the words of the hon. Member at the time they were used, and they were "false pretences." ["Order!"]

MR. SPEAKER: I must remind the hon. Gentleman that the hon. Member for Glasgow has disavowed the use of those words.

MR. CALLAN accepted the disavowal. He himself went to Members of Parliament whose signatures he was anxious to obtain. He went to the noble Lord the Member for Northumberland and

Mr. Parnell

the noble Lord the Member for Calne and took them to the Library and directed their attention to the offences for which those men were detained.

MR. M. BROOKS desired to express his extreme regret that he had asked the Question that day; in the first place, because it had provoked a reply which would keep alive a sore in Ireland which her well-wishers would desire to see healed; and secondly, because it had provoked a scene and language from hon. Gentlemen which he was sorry to have any part in bringing about. He disavowed any sympathy with the words of the hon. Member behind him (Mr. Biggar), and he (Mr. Brooks) believed that he would speedily regret that he had been led to make use of them. He would on an occasion which would not be remote give the right hon. Gentleman the Prime Minister an opportunity of replying to that part of the question which concerned the Royal mercy. In Ireland it was believed that justice had been vindicated by the long imprisonment that had been endured by these men, and that the time had come when the Prime Minister could no longer say that mercy could fairly or with justice be withheld from them.

MR. BRIGGS, as one of the Members who signed the Petition, desired to repudiate, as far as in him lay, that he could for a moment have solicited pardon for those who had been concerned in murder. He perfectly recollected asking the hon. Member for Mayo (Mr. O'Connor Power), who asked him to sign the Petition, whether it included those men who were concerned in the affair at Manchester or in the affair at Clerkenwell. The hon. Member replied that it was solely intended for the purpose of obtaining the release of those who were concerned in purely political offences.

MR. STACPOOLE appealed to the Prime Minister to give a favourable consideration to the Memorial which had been signed by so many hon. Members. He believed that an amnesty for the political prisoners would do much good by calming the feeling of irritation which still prevailed in Ireland.

MR. WADDY said, he rose with great regret and some feeling of shame to say that he also was one of those hon. Members who signed the Petition. He could give his support to the statements of the

hon. Member for Glasgow (Mr. Anderson), and the hon. Member behind him (Mr. Briggs). When an application was made to him to sign the Petition, he put the question twice distinctly whether it was intended to include and did include men who had shed blood. He was distinctly told that it did not include those who had been convicted of shedding blood at all, and had that assurance not been given his name would never have been put to that Petition. Having heard that day what had been stated by the First Lord of the Treasury, he (Mr. Waddy) was perfectly and entirely satisfied with the statement which had been made. Moreover, considering the temper and language of some hon. Members who had spoken upon the subject, he felt very strongly that it would be dangerous to let forth from their confinement men who were likely to be worked upon by persons in a superior position, but with so little command over their own temper and judgment as to use such language as had been unfortunately heard that evening.

MR. O'CONNOR POWER said, he rose on a point of Order, and he desired to explain that the hon. Member for Blackburn (Mr. Briggs) had not accurately represented the scope of his reply in regard to the declaration which he was asked to sign. He (Mr. Power) stated that it did not necessarily call for the release of those who were engaged in the Manchester outrage, and it left upon the Government the responsibility of drawing a line between the different classes of prisoners. ["Oh, oh!"] He recollected very well what he said. The declaration left to the Government the responsibility of drawing a line between those prisoners who had been convicted for offences that were political and those that were non-political. It appeared from the tone of the Prime Minister's observations that he desired to convey the impression that the prisoners still confined were not suffering very severe treatment. He would give the Prime Minister and the Home Secretary an opportunity of bringing the question to the test of examination by calling attention to the subject in the House. As his only object in moving the adjournment of the House was to get an expression of opinion, he was ready to withdraw the Motion.

MR. BUTT said, that after the statement made by the right hon. Gentleman opposite (Mr. Disraeli) he could not but think that his hon. Friend the Member for Mayo acted perfectly right in raising the discussion, although there was some inconvenience in discussing how these prisoners should be treated upon a mere question of adjournment. He could not quite concur in the statement that had been made with respect to the Manchester prisoners. He believed there had been no subject in England which had been more misunderstood than the case of those prisoners. Technically, it was undoubtedly a conviction for murder. [*Laughter.*] Hon. Gentlemen who laughed would not do so, if they had the slightest conception of the nature of the English law on that subject. They were convicted without the slightest proof that they went there for the purpose of bloodshed. They were convicted on the well-known principle of English law that if a number of men were engaged in a common illegal enterprize, and that one of them shed blood in the course of that enterprize, even those who never contemplated it were guilty of murder, though they never struck a blow. He said more than that. He might say it was an established rule in a criminal case that a verdict must stand altogether or must fall. What took place here? Why, prisoners who, upon the same verdict, were convicted of capital offences were released two or three days after, because it was clearly proved that the verdict was wrong. The verdict, which was manifestly mistaken, was the same verdict upon which these men were kept in prison. If their offence had had nothing to do with political crime, he believed that they would have been released long ago. They might remember that they were dealing with a remnant—and a small one—of a treasonable conspiracy. The leaders of that conspiracy were released long ago, and the Government were now called upon to consider whether, having released the men who were the leaders, the men who led these soldiers into their crime, the latter should not also receive the benefit of clemency. They must consider whether that would be wise at that time. He believed the releases already made had had a most beneficent effect in Ireland, but that was marred every day by retaining the men

who still remained in prison. He did hope they might have an opportunity by-and-bye of fully putting the question before the House, and when they did refer to the case of the soldiers, or that of Davitt, he would appeal with confidence to the justice and generosity of the House to say that the time had now come when they would allow their Sovereign to boast that there was not a single political prisoner confined in any gaol in her dominions.

COLONEL BERESFORD said, that his name was on the Petition, but no pressure was resorted to to induce him to sign. He found mercy staring him in the face, and he would remind the House that they would all want mercy some day.

MR. D. TAYLOR said, he had refused to sign the petition for the release of the fenian prisoners as he did not think that they could ask the Government to release prisoners who had been guilty of murder; but he thought the Royal mercy might be extended to the other prisoners convicted of treason only.

Motion, by leave, *withdrawn.*

CRIMINAL LAW—ARRESTS UNDER THE VACCINATION ACT.—QUESTION.

MR. BLAKE asked the Secretary of State for the Home Department, Whether it is true that two tradesmen of Leicester (Palmer and Eagle) have been sent to prison for breach of the Vaccination Act, they having ample goods to distrain on; whether they were handcuffed, although they made no resistance whatever; and, whether this is in accordance with law?

MR. ASSHETON CROSS, in reply, said, he believed the statements in the Question were substantially accurate. He believed the magistrates had the power to commit persons to prison without first issuing a distress. It must be remembered, with regard to that part of the case, that the discretion rested with the magistrates, and also that these persons had only to put their hands in their pockets and pay the money to put an end to the matter. They had plenty of money, and they might have paid if they chose to do so. With regard to the latter part of the Question, he was sorry to say it was true that the men were handcuffed. He could not, however, imagine why a man, because he

did not pay a small fine, should be treated in the same way as a man who had committed a criminal offence. It seemed to him an abuse of a petty power which he should do his best to put down in the future.

POST OFFICE—THE TELEGRAPH SYSTEM.—QUESTION.

MR. GRIEVE asked the Postmaster General, If he will lay on the Table of the House Copy of an Official Report sent by the Postmaster of Glasgow to the Post Office in London, proposing that there should be a Controller of the Telegraph system in the east, west, and north of Scotland, and certain other things?

LORD JOHN MANNERS: No official report of the nature indicated in the Question of the hon. Gentleman has been received at the Post Office. I am, therefore, unable to lay it upon the Table of the House.

TURKEY—THE BERLIN CONFERENCE. QUESTION.

MR. BRUCE: I beg to ask the First Lord of the Treasury the following Question, of which I have given him Private Notice:—If it is true, as stated in the public journals, that Her Majesty's Government has declined to join in the new proposals made to the Porte by the Northern Powers at the recent Conference at Berlin?

MR. DISRAELI: Yes, Sir; it is true that Her Majesty's Government have been unable to concur in the proposals which have been drawn up by the Governments of Russia, Austria, and Germany, and addressed to the Porte, and which since have been acquiesced in by the Governments of France and Italy; but we have no information at present that those proposals have been formally communicated to the Porte, and until we have that information I think it would not be fair to the Powers concerned if we placed the proposals on the Table.

PARLIAMENT—BUSINESS OF THE HOUSE.—QUESTIONS.

MR. BERESFORD HOPE wished to know, Whether the right hon. Gentleman could state the commencement

and duration of the Whitsuntide Recess?

THE MARQUESS OF HARTINGTON said, before the Question were answered, he should like to ask whether it was the intention of the right hon. Gentleman to proceed with the Customs and Inland Revenue Bill that evening, and after what hour it would not be taken? Also, whether it was his intention to proceed with the Valuation Bill and the Motion relating to the exclusion of strangers?

MR. DISRAELI: Sir, we do not intend to proceed with the Committee on the Customs and Inland Revenue Bill after half-past 10; but in case the Merchant Shipping Bill does not occupy much time, we propose to go on with it. Under these circumstances I do not think I need say anything about the Valuation Bill. With regard to the Notice which I have given respecting the Business of the House and the Exclusion of Strangers, I think it would be inconvenient to bring that subject forward at a late period, and I will see what arrangements can be made that will least interfere with Public Business. I will then communicate with the noble Lord and the hon. Gentleman the Member for Londonderry (Mr. Charles Lewis) who has taken an interest in the matter. With respect to the holidays, I intend to propose that the House should sit on Thursday, the 1st of June, and rise that evening, and meet again on the following Thursday.

MERCHANT SHIPPING BILL.—[BILL 49.]
(*Sir Charles Adderley, Mr. Edward Stanhope.*)

CONSIDERATION.

Bill, as amended, *considered*.

On the Motion of Sir CHARLES ADDERLEY, the following new clauses were *brought up*, read a first and second time, *amended*, and *added* to the Bill.

After Clause 17, insert the following clause:—

(Provisions of signals of distress, inextinguishable lights, and life buoys in passenger steamers and emigrant ships.—36 & 37 Vic. c. 85, s. 18.—See 17 & 18 Vic. c. 104, s. 301.)

“Every sea-going steamship and every emigrant ship shall be provided to the satisfaction of the Board of Trade—

“(1.) With means for making the signals of distress at night specified in the First Schedule to ‘The Merchant Shipping

Act, 1873,' or in any rules substituted therefor, including means of making flames on the ship which are inextinguishable in water, or such other means of making signals of distress as the Board of Trade may previously approve; and

"(2.) With a proper supply of lights inextinguishable in water and fitted for attachment to life buoys.

"If any such ship goes to sea from any port of the United Kingdom without being so provided as required by this section, for each default in any of the above requisites the owner shall, if he appears to be in fault, incur a penalty not exceeding one hundred pounds, and the master shall, if he appears to be in fault, incur a penalty not exceeding fifty pounds."

Page 16, after Clause 32, insert the following clause:—

"Nothing in this Act shall apply to any ship whilst on the inland waters of Canada."

CAPTAIN PIM moved, after Clause 3, to insert a new clause providing that all masters in command of British merchant ships should orderly perform, or cause to be performed, Divine service in their respective ships on the Lord's Day, and should, as far as possible, cause Sunday to be observed as a day of rest for the crew.

Clause (Observance of the Sabbath,) —(*Captain Pim*,)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be now read a second time."

SIR CHARLES ADDERLEY said, that the Government could not, as he had said in Committee—interfere with merchant ships in this particular any more than they could enforce such an observance in a private household. He must therefore oppose the clause.

Question put, and *negatived*.

CAPTAIN PIM proposed a new clause providing that all applicants for examination as masters, mates, and engineers, if of foreign birth, should produce papers of naturalization, showing that the applicant had been for three years previously in the exercise of the rights of a British subject.

Clause (Foreign masters and officers,) —(*Captain Pim*,)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be now read a second time,"

SIR CHARLES ADDERLEY objected to the clause, on the ground that it would interfere with the right of owners to contract with whatever captains they might select to command their vessels. He could see no reason why owners, being British subjects, should not employ Norwegians or any other foreigners for that purpose.

Question put, and *negatived*.

CAPTAIN PIM proposed a new clause, providing that any captain or person in command of a vessel under the British flag who neglected to take soundings, thereby causing the loss of such vessel, should be deemed guilty of a misdemeanour.

Clause (Neglect of taking soundings,) —(*Captain Pim*,)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be now read a second time."

SIR CHARLES ADDERLEY objected to the clause, on the ground that a special regulation with regard to neglect of soundings might imply that other kinds of neglect were less important. There were general provisions against all neglect of duty.

Question put, and *negatived*.

CAPTAIN PIM proposed a new clause, containing provisions whereby the justices of the peace for a county might establish training ships for the purpose of training boys for the sea service.

Clause (Training schools and ships,) —(*Captain Pim*,)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be now read a second time."

SIR CHARLES ADDERLEY objected to the clause as not coming within the scope of the Bill. He declined to enter on the merits of the proposition.

Question put, and *negatived*.

CAPTAIN PIM moved, after Clause 5, to insert a clause providing that an action for damages might be brought against the owner of a vessel in case of death by default of the owner.

Clause (Action for damages against owner in case of death from default of owner,)—(*Captain Pim*,)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be now read a second time."

SIR CHARLES ADDERLEY objected to the clause, on the ground that it was superfluous. The first part was provided by the 5th clause of this Bill, and the rest was a repetition verbatim of Lord Campbell's Act.

Question put, and *negatived*.

MR. GOURLEY moved, after Clause 5, to insert the following clause:—

"If a managing owner, ship's husband, or agent of any vessel, deems it necessary to ask for a survey of seaworthiness in hull, machinery, equipments, stowage, or stores for the conveyance of cargo, the Board of Trade shall, through a Board of Trade surveyor, order the vessel to be surveyed on payment of the survey fees, and in the same manner as if called upon to survey by one-fourth of the crew."

This privilege did exist until a short time ago, when the Board of Trade issued an order to their surveyors not to make such surveys.

Clause (Managing owners may require survey of vessel,)—(*Mr. Gourley*,)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be now read a second time."

SIR CHARLES ADDERLEY said, that the adoption of the clause would place on the Government a responsibility—namely, that of a general Government survey of all ships—which was especially excluded by the Bill before the House and in every Act previously passed upon the subject. It was incompatible with the objects of the Bill and antagonistic to its principles, and he must ask the House to resist the Motion. The only ground upon which the Government undertook the survey of passenger ships was the safety of passengers, and the same ground did not apply to all ships carrying cargo, with seafaring crews who knew what they were about.

MR. MAC IVER said, the Board of Trade had formerly taken a more reasonable view of this question of survey.

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The present proposals of the Government were most objectionable, for to encourage surveys on complaint of the crew was practically to encourage insubordination, and led directly towards such cases as those of the *Lennie* and the *Caswell*. Hon. and right hon. Gentlemen on both sides of the House were quite mistaken in supposing that the legislation of 1873 and of last Session had worked satisfactorily in relation to survey, and nobody seemed to understand the incidence of their own legislation less than the various statesmen who had from time to time directed the operations of the Board of Trade. So far from being advantageous to British shipowners, the actual result of recent legislation was simply the depreciation of British shipping. Good second-class ships were now unsaleable almost at any price, and the only buyers were foreigners who would not give half their value. The hon. Gentleman then read a telegram from Messrs. C. W. Kellock and Co. in confirmation of these statements, and concluded by supporting the clause moved by the hon. Member for Sunderland.

MR. SHAW LEFEVRE would not follow the hon. Member who had just spoken into a discussion of the Act of 1873. The question before the House was, whether any shipowner having a doubtful ship should be permitted to obtain a survey from the Board of Trade? It appeared to him that a dishonest shipowner might avail himself of the proposal, and by hoodwinking the surveyors as to the real nature of the vessel, get a certificate of seaworthiness. This was the most dangerous form of Government survey ever proposed to the House, and he was glad the right hon. Gentleman would not listen to it.

MR. T. E. SMITH said, that the object of his hon. Friend was good, but the clause was a bad one. If it were carried, a shipowner had only to get a seaman to write a letter to the Board of Trade and send a sensational telegraph to the hon. Member for Derby, and he would get his vessel surveyed and compensation besides for detention.

MR. SAMUDA said, that the passing of the clause would entirely stultify the Bill.

Question put, and *negatived*.

CAPTAIN PIM moved, after Clause 15, to insert a clause providing that all

British passenger ships making long voyages should take one man from the Royal Marines for every 500 tons, for the purpose of instructing the crew in fire drill, &c., except in time of war; contending that such a provision would prove beneficial both for the naval and merchant service.

Clause (British passenger ships making long voyages to take disciplined men to teach fire drill, &c.)—(*Captain Pim*,)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be now read a second time."

SIR CHARLES ADDERLEY opposed the clause.

Question put, and *negatived*.

CAPTAIN PIM, in proposing a clause, in lieu of Clause 22, relating to the load-line and the displacement of a ship, said, it was the last he should offer to the House. What he had proposed had been from a sense of duty, because he knew of the present horrible state of the Mercantile Marine, on which we depended for the food we ate, and which, if a war broke out, would leave us to be blockaded as completely as Metz or Paris. He, however, would not proceed unless the Government gave him some hopes of their support.

SIR CHARLES ADDERLEY said, he had considered the clause, and could not accept it.

Clause, by leave, *withdrawn*.

MR. SYKES moved the insertion of a clause, after Clause 37, to provide that under certain circumstances power should be given to local authorities to reduce local light dues, subject to the approval of the Privy Council.

Clause (Power to reduce local light dues.)—(*Mr. Sykes*,)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be now read a second time."

SIR CHARLES ADDERLEY said, he had no objection to the proposal.

SIR HENRY JAMES wanted to know, in the event of the proposal being adopted, whether any charge would be

Captain Pim

thrown on the Consolidated Fund to make good the amount of light dues asked to be remitted?

MR. E. JENKINS maintained that the clause was out of place, as the Bill had nothing whatever to do with light dues.

SIR CHARLES ADDERLEY admitted it was foreign to the general scope of the Bill, but it would prove a convenient measure, as it would enable such bodies as the Hull Trinity House to take the action they desired in the way of reducing tolls, without being put to the expense of promoting a private Bill. General lighthouse authorities had the power, and it was desirable that local authorities should by Order in Council be able to do the same.

SIR WILLIAM HARCOURT contended that that was not a sufficient argument for the introduction of the clause.

MR. T. E. SMITH held that any proposal with respect to light dues ought to be brought forward as a separate measure.

MR. EVELYN ASHLEY took a similar view, and reminded the House that he had only very recently presented to the Prime Minister a memorial on the subject of lights.

MR. WILSON hoped the House would allow the clause to stand.

LORD ESLINGTON objected to its introduction into the Shipping Bill. The subject ought to be dealt with on its own merits.

THE CHANCELLOR OF THE EXCHEQUER said, that after the expression of feeling which had taken place, it would be more convenient to withdraw the Amendment, which in his opinion went beyond the immediate scope of the Bill.

Motion and clause, by leave, *withdrawn*.

COLONEL BERESFORD moved a clause to the effect that in all vessels with a passenger certificate from the Board of Trade when the passengers are in excess of the number which can be carried in the ordinary boats in the event of disaster at sea, such vessels should, in addition to such boats, be required to provide means for saving life by rafts or other appliances in such proportion as the Board of Trade might deem sufficient, and it should be in the discretion of the

Board of Trade to allow shipowners to substitute rafts for a portion of the boats, such rafts to be approved by the Board of Trade.

Clause (Provision for rafts and other appliances for safety of life,)—(*Colonel Beresford*,)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be now read a second time."

SIR CHARLES ADDERLEY thought the law as it stood was far better than the clause which the hon. and gallant Gentleman had proposed. His clause would require the deck to be crowded with a number of boats, two-thirds of which probably would become rotten and unusable, and certainly all of them could not be lowered or manned in case of emergency. The law provided for an ample number, and gave the Board of Trade power to alter the scale when desirable.

MR. COWPER-TEMPLE said, the President of the Board of Trade was not aware of the progress of invention in life-saving appliances. The Admiralty had ordered 28 Berthon canvas boats to be stowed away conveniently in transport ships, and each ship could carry a sufficient quantity to receive every one on board in case of shipwreck. A boat of 30 feet long could be folded up into 2½ feet of space, like a cocked hat. This indifference and ignorance of the Board of Trade would continue the wasteful loss of life which might be easily prevented.

MR. MACGREGOR suggested that life belts should be added to the proposal of the hon. and gallant Member, so that some second chance of safety should be provided for all. As to what had been called cocked hat boats, he feared they would have the same tendency to go below as the captain of a man-of-war in a fog.

LORD ESLINGTON thought encouragement should be given to the carrying of large life rafts on board ship, and that ships should be allowed to carry no more than a certain number of passengers.

SIR GEORGE JENKINSON approved the object of the clause.

MR. SAMUDA thought the proposed clause would not be the means of saving life, but might have the reverse effect.

MR. RATHBONE believed that the Board of Trade already had sufficient powers in reference to that subject, and that no new enactments were necessary.

MR. D. JENKINS said, the difficulty with regard to boats was to get them launched safely. If rafts were substituted for one or two boats, he believed it would tend to save life.

Question put.

The House *divided*:—Ayes 85; Noes 178: Majority 93.

MR. D. JENKINS, in moving the following clause:—

"That from and after the first day of January, 1877, every British ship exceeding 100 tons register shall be provided with a certificate of classification or of survey from Lloyd's Register of British and Foreign Shipping, or the Liverpool Underwriters' Registry, or the Bureau Veritas, or from such other association or associations as the Board of Trade may from time to time sanction for the purpose; or a certificate of survey from the surveyor or surveyors appointed by the local marine board of the district, such surveyors to be taken from a list approved of by the Board of Trade from time to time. Such certificate shall state the fitness of the vessel for the trade in which she is employed, and the period for which such certificate is granted. Provided always, That this shall not apply to vessels having passenger or other certificates from the Board of Trade, or to any vessel or vessels which the Board of Trade may from time to time exempt,"

said, he had placed the conditions of survey on the broadest basis. He did not confine shipowners to any one association, and all he required was a test of mere seaworthiness. The clause did not require ships to be certified A 1, or according to any letter. The surveyors could not be appointed by a better qualified body than the Local Marine Board. He proposed to exempt vessels under 100 tons from the operation of the clause, in order not to harass the owners of small coasting vessels. The effect of the clause would be to lessen interference on the part of the Board of Trade with the Mercantile Marine, and to get rid of the Courts of Survey Appeals, which would entail a large and unnecessary expenditure. What he asked for was additional security against loss of life at sea.

Clause (Certificates of classification of British ships,)—(*Mr. David Jenkins*,)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be now read a second time."

MR. PLIMSOLL supported the clause, and hoped the Board of Trade would display its wisdom in accepting it. It was one of three or four points, the discussion upon which would determine whether the Bill was to be an efficient one for its purpose, or whether it would be such an illusory measure that those who had been engaged in the movement for the protection of life at sea would have to renew and continue it. The hon. Member for Falmouth who proposed the clause had for many years been a captain of merchant seamen, he was now an extensive shipowner, and in both capacities had much experience. The clause met all the objections which had been urged against somewhat similar attempts. It did not throw upon the Board of Trade the duty of detaining and surveying all unclassified ships, nor incurring the risk of damages and compensation if they were improperly delayed. It would not relieve the shipowner in the slightest degree from the responsibility which attached to him as to sending his ship to sea in a seaworthy state; while at the same time it secured such a satisfactory and complete certificate of seaworthiness that within a twelvemonth every ship that did not meet the proper requirements would be swept from the seas. He implored the Government, for their own sakes, to accept the clause and the House to pass it.

MR. MAC IVER supported the clause, and thought it would lessen the work of the Board of Trade. Much as he objected to compulsory classification in certain forms, he felt the Government proposals with respect to survey were so bad, that something must be done to improve them, both in the interest of the shipowners and the public. The clause of the hon. Member for Falmouth seemed to him to provide all the security which could be required with the minimum of interferences.

SIR CHARLES ADDERLEY said, he objected to the proposed clause, because it presented in slightly altered terms, but essentially the same in substance, a principle which had been already discussed at great length on three separate occasions, and upon each de-

cided by a large adverse majority. The Board of Trade would not be justified in detaining any ship which they had not reason to believe was unseaworthy, compensation was secured for unreasonable detention, and any person lodging a complaint in reference to a ship except one-fourth of a crew would be obliged to give security for costs. No injustice could, therefore, in the end result from the detention of a vessel, even though she were found on survey to be seaworthy. He would not farther enter into the question of detail. The simple fact was, that the clause was identical in principle with that moved by the hon. Member for Derby when in Committee, and was antagonistic to the principle on which the Bill was founded, which threw the responsibility as to the safe condition of ships on the shipowners themselves. The objection that had been taken to previous similar suggestions, as to their throwing private societies into partnership with the Government, applied also to this. But there was a more objectionable point in this suggestion. There could not be a worse body to elect surveyors than the Local Marine Boards, because they consisted of the shipowners of the district, or of those immediately connected with them. The proposal of the hon. Member for Falmouth, therefore, amounted to allowing shipowners to certify the seaworthiness of their own ships. The effect of the clause would not be to relieve the Board of Trade from the duty of interfering with the Mercantile Marine, but the opposite. It would first offer to secure for the shipowner a guarantee of safety from a private society, or else from the Government; but as the Government certificate would be the easiest to procure, being necessarily of a minimum standard, in time the Government would supersede the private societies, and have the task of certifying all, or the risk of an implied certificate when its power failed of reaching all in reality. If the House should adopt the new principle proposed by the hon. Member, it would undo all they had done, and the Bill might as well, in fact, fall to the ground. He therefore confidently appealed to the House to reject the clause.

SIR ANDREW LUSK observed, that if surveyors were wanted, and it was deemed necessary to appoint persons to control this branch of the trade of the

country, those persons ought to be appointed by the Government, and ought not to consist of men appointed by a voluntary society like that of Lloyd's, who elected themselves and were not responsible to any one.

Question put.

The House *divided*:—Ayes 60; Noes 98: Majority 38.

Clause 4 (Sending unseaworthy ships to sea a misdemeanour).

MR. MAC IVER moved, as an Amendment, in page 1, line 16, to leave out "British." Wherever their cases were parallel all vessels should be treated alike. We had a perfect right to prescribe the conditions under which cargo was to be shipped. We already did so in regard to passengers, and we had an equal right to prescribe the conditions under which either cargo or passengers were to be received; and in each case without distinction of nationality, and certainly without affording any ground for fears of retaliation on the part of foreign States so long as our regulations were reasonable. The practical question was the reasonableness of the regulations. If it was the intention of the Board of Trade to continue to interfere unreasonably with British shipping, he at once admitted the necessity of very great caution in extending such regulations to foreign vessels in our ports; but he hoped it was not yet too late for the Government to re-consider some of the provisions of this Bill. No foreign State would long tolerate the extended system of Board of Trade espionage provided for British shipping under Clause 6, and the criminal liabilities under Clause 4 were equally objectionable and likely to be equally useless. But whatever these criminal liabilities were, whether they were intended to be real or only intended to be a kind of "scarecrow," he felt that they ought not to be confined to British shipping. They ought, if they were such as should be applied at all, to be applied equally—as regards persons residents in British ports—in the case of all vessels despatched from British ports. The crime surely did not depend upon the flag. He thought he had left the Board of Trade in a dilemma. If they meant to legislate reasonably, his Amendment could

not be resisted, but the acceptance of his Amendment clearly involved others. Surely the Government would not disregard the views of every seaport in the Kingdom on such a matter. It was the undisputed fact that respectable ship-owning opinion everywhere was opposed to this clause.

Amendment proposed, in page 1, line 16, to leave out the word "British."
—(Mr. Mac Iver.)

SIR CHARLES ADDERLEY said, that the hon. Member appeared to know the intentions of the Government on the subject better than they did themselves, and the opinion of the seaports better than their Representatives in that House. The Government could not accept the Amendment, which would be absolutely impracticable. If carried, it would affect to make every shipowner, of whatever nationality, at whatever port in the world, who sent a ship to sea in an unseaworthy state, guilty of a misdemeanour in England. He need hardly say it was not competent for them to do that.

MR. WATKIN WILLIAMS, as one of those who were anxious to extend the operation of this measure to foreign shipowners, felt that it was perfectly impossible to adopt the rough-and-ready plan of the hon. Member for Birkenhead.

MR. MACGREGOR said, he was sorry he was not able to support the Amendment, because the hon. Member for Birkenhead had given great attention to the subject, and had made many remarks in these discussions which had been listened to with great pleasure by the House.

Question, "That the word 'British' stand part of the Bill," put, and agreed to.

MR. MAC IVER, in moving, as an Amendment, in page 1, line 20, to leave out from "misdemeanour" to the end of the clause, said, he did so for the purpose of raising discussion on that portion of the clause which allowed a shipowner to give evidence in his own defence. This was regarded as a privilege, but it was in reality an obligation and a hardship. Evidence would be expected from people who had none to give, and innocent men might find

themselves in real difficulty if "allowed," or in other words "expected," to prove their innocence.

Amendment proposed, in page 1, line 20, to leave out after the word "misdemeanor," to the word "conviction," in page 2, line 8.—(*Mr. Mac Iver.*)

SIR EARDLEY WILMOT protested against the provision in this clause which allowed a shipowner charged with misdemeanour to be examined as a witness in his own favour.

Question, "That the words proposed to be left out stand part of the Bill," put, and *agreed to*.

Amendment proposed, in page 2, line 24, to leave out from the word "Where" to the words "as follows," in line 30, inclusive.—(*Mr. Mac Iver.*)

Question, "That the words proposed to be left out stand part of the Bill," put, and *agreed to*.

Clause 6 (Power to detain unsafe ships and procedure for such detention).

On the Motion of Sir CHARLES ADDERLEY, the following Amendments were made:—

In page 2, line 35, after "detained," insert "there shall be forthwith served on the master, agent, or owner of the ship a written statement of the grounds of her detention, and."

In page 3, line 12, after "overloading," insert "and with the consent of the Board of Trade where a ship has been provisionally detained on any other ground."

In sub-section (9), page 3, line 36, after "Trade," insert "with the consent of the Treasury."

Clause, as amended, *agreed to*.

Clause 10 (Liability of Board of Trade and shipowner for costs and damages).

On the Motion of Sir COLMAN O'LOGHLEN, Amendment made, in page 6, line 5, after the word "sole," by inserting—

"And if the cause of action arises in Ireland, and the party aggrieved resides there, he may bring his action in any of the Superior Courts of Common Law in Ireland, and a copy of the summons or writ left at the office of the Queen's Proctor in Dublin, shall be sufficient service of the same on the Secretary of the Board of Trade."

Clause, as amended, *agreed to*.

Mr. Mac Iver

Clause 11 (Power to require from complainant security for costs).

MR. MAC IVER moved, as an Amendment, to omit the second paragraph of the clause, which provided that where a complaint was made by one-fourth of the seamen, and was not frivolous or vexatious, security from the complainant should not be required. The clause, as it stood in the Bill, would tend greatly to increase insubordination.

Amendment proposed, in page 6, line 10, to leave out after the word "mentioned" to the word "Where," in line 18.—(*Mr. Mac Iver.*)

MR. MUNTZ thought the clause required modification, but he could not support the proposal of the hon. Member.

SIR CHARLES ADDERLEY hoped that the House would not re-open this discussion or alter the existing law and the Bill by striking out this portion of the clause.

MR. WILSON hoped the Government would accept the Amendment.

LORD ESLINGTON thought this part of the clause mischievous, and challenged the President of the Board of Trade to get up in his place and say it would work. The want of discipline on board ship was caused in a great measure by the knowledge among the seamen that this provision existed.

MR. W. E. FORSTER said, that as the House had now agreed not to have a general survey, but merely to institute one in special cases, he thought the clause should stand in its present shape.

MR. MAGGREGOR opposed the Amendment. He thought there was a good deal of merit in the clause as it stood. He would remind the House that the clause provided against frivolous and vexatious complaints by the men, but would suggest that the word "seamen" should be limited by the introduction of "able" or "able and ordinary" so as to exclude stewards, cooks, cabin-boys, and other persons who in some cases outnumbered the seamen.

MR. RATHBONE concurred in the suggestion.

MR. ASSHETON CROSS said, it would be necessary, in a case of law to define the term "able seamen," and that he thought would be a difficult matter.

MR. SHAW LEFEVRE said, the words "able seamen" would exclude

engineers and stokers, who might really know much more of the state of the ship than the deck hands.

Question, "That the words proposed to be left out stand part of the Bill," put, and agreed to.

SIR CHARLES ADDERLEY moved, as an Amendment, in page 6, lines 19 and 20, to leave out the words "the complaint was made without reasonable and probable cause," in order to insert the words, "she was not at the time of such complaint unsafe within the meaning of this Act."

Amendment proposed,

In page 6, line 19, to leave out after the word "That" to the word "cause," in line 20, inclusive, in order to insert the words "she was not at the time of such complaint unsafe within the meaning of this Act." — (*Sir Charles Adderley.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. PLIMSOLL said, if the Amendment were made, the Board of Trade would get very little information about unseaworthy ships, for however reasonable complaints might be, this alteration would make those who raised them liable for the costs if the vessel afterwards turned out to be safe.

THE CHANCELLOR OF THE EXCHEQUER urged that no objection had been raised by the hon. Member when the Bill was in Committee. The proposal was to make the same provision when the detention was caused by the seamen as when it occurred by the interference of the Board of Trade.

MR. WATKIN WILLIAMS said he was in favour of retaining the clause as it stood. The Amendment, if adopted, would render the clause nugatory.

MR. E. JENKINS said, the Amendment was not consistent with the general provisions of the Bill. The Board of Trade might very well be made liable for costs which a private person was quite unable to bear, and that therefore a different rule might obtain in the latter case.

MR. SHAW LEFEVRE said, there was no reason for making Clauses 10 and 11 in exact harmony. The clauses had better remain as they were.

MR. W. E. FORSTER said, he was opposed to the Amendment.

MR. HERSCHELL said, that different considerations arose on Clauses 10 and 11, and he objected to the proposed Amendment.

SIR CHARLES ADDERLEY said, he would withdraw his Amendment, and have both clauses re-considered in "another place."

MR. RATHBONE objected to such a course being adopted.

MR. NORWOOD also objected to the course proposed by the right hon. Gentleman. He could not consent to the Bill leaving the House in an imperfect state and the whole thing changed in "another place." They were bound to make the Bill as complete as they could before it left that House, and he saw no reason why the Amendment should be withdrawn.

MR. T. E. SMITH said, the course proposed by the Government was a most inconvenient one. The Amendment of the right hon. Gentleman was a very proper one, and ought to be dealt with by the House. He hoped the right hon. Gentleman would adhere to it.

Question put.

The House divided:—Ayes 68; Noes 122: Majority 54.

MR. E. JENKINS thought the House had every reason to complain of the conduct of the Government in this instance, and said he should divide the House on the Amendment. The President of the Board of Trade having accepted an Amendment, went into the Lobby against it.

SIR CHARLES ADDERLEY: I beg leave to say that I did not accept any Amendment. I was willing, with the permission of the House, to withdraw mine in order that the matter might be considered in "another place."

MR. W. E. FORSTER also complained of the course pursued by the Government. The Amendment proposed by the right hon. Gentleman seemed to diminish the chief security in the Bill for life—namely, the power of detention.

THE CHANCELLOR OF THE EXCHEQUER maintained that there was no justification for the complaint that had been made with regard to the course pursued by the Government. The House having declined to let the matter stand over for consideration in "another place," the Government could not have

done anything else than support their own Amendment.

Question, "That the words 'she was not at the time of such complaint unsafe within the meaning of this Act,' be there inserted," put, and *agreed to*.

MR. RATHBONE proposed to amend the clause by providing that in cases of urgency the owner of a passenger ship might, instead of appealing, require a Board of Trade surveyor to again make a survey, accompanied by such persons as he might select from the list of assessors, when, if they agreed, their decision would be regarded as if rendered by the Board of Trade itself; and if they differed the matter should be referred to the decision of the Board of Trade in the same manner as if the requisition had not been made.

MR. GREGORY asked for an explanation of the Amendment.

SIR CHARLES ADDERLEY, who supported it, said it would enable the owner of a passenger steamer, instead of going to a Court of Inquiry, to ask the Board of Trade surveyor to survey the vessel in company with an assessor. If the two agreed it would not be necessary to go to a Court of Inquiry; but if they disagreed, that course would be necessary.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 18 (Stowage of cargo of grain &c.).

MR. PLIMSOLL moved as an Amendment, an addition to the clause, dealing with grain cargoes, which would secure that in the case of vessels loading at the ports which were reached through the Straits of Gibraltar and those which were in the Baltic Sea the grain on the starboard side of the ship should at the least be entirely separated from that on the port side, and that not less than one-third of the grain cargo should be in sacks, bags, or barrels. The hon. Member assured the House that the Amendment he proposed was the minimum provision they could make consistently with the safety of vessels carrying grain cargoes across the Bay of Biscay as a means of preventing the shifting of the cargo from side to side.

The Chancellor of the Exchequer

Amendment proposed,

In page 10, line 16, after the word "otherwise," to insert the words "in such a manner in the case of vessels loading at the ports which are reached through the Straits of Gibraltar and those which are in the Baltic Sea as that the grain on the right or starboard side of the ship shall at the least be securely and entirely separated from that on the left or port side, and that not less than one-third of the grain cargo shall be in sacks, bags, or barrels."—(*Mr. Plimsoll.*)

SIR CHARLES ADDERLEY thought the Amendment much too minute, and that a better security for the purpose in view was given by the general penalty on insecure stowage. Besides the only officers boarding all ships arriving did not stay long enough to ascertain such minute particulars even if it were desirable to enact them.

MR. WILSON hoped the hon. Member for Derby would withdraw the Amendment, concurring in the objections taken to it by the President of the Board of Trade.

MR. W. E. FORSTER hoped the Amendment would not be pressed.

MR. A. BARCLAY expressed his opinion that the clause as it stood would be inoperative for the purposes it contemplated, and said he thought the Motion of the hon. Member for Derby should be accepted.

SIR WILLIAM HARCOURT suggested that the Board of Trade should in each case send a surveyor on board to see that grain cargoes were properly stowed.

MR. MACGREGOR thought it impossible the provision just proposed could be carried out. The Custom House officers went on board in search of contraband tobacco and spirits, and having made the search turned off to board the next vessel, but were they to remain on board until the goods were taken out of the hold in order to ascertain how the cargo had been stowed, it would become necessary to employ a far greater number of them than at present, and that would necessitate a Supplementary Vote.

Question, "That those words be there inserted," put, and *negatived*.

SIR WILLIAM HARCOURT, in moving, as an Amendment, in page 10, line 17, to leave out the word "British," said he did so in order to bring before the House a point of great importance—namely, that as the clause stood it

would place the owner of a British ship carrying a grain cargo under a most stringent regulation, while it would place the foreign shipowner under no such restrictions whatever. If the Bill passed in that form, it would tend very much to drive British ships out of the trade.

Amendment proposed, in page 10, line 17, to leave out the word "British."
(*Sir W. Vernon Harcourt.*)

Question proposed, "That the word 'British' stand part of the Bill."

MR. RITCHIE thought that, under any circumstances, the Amendment would only apply to foreign ships arriving in our ports laden with grain.

MR. MACGREGOR said, experience showed that foreigners were more careful of themselves and of their stowage of grain cargoes than the English, and he hoped the Government would let the clause stand as it was. The foreigner would either have to conform or he would lose his share of the carrying trade.

MR. PLIMSOLL supported the Amendment, remarking that he was glad to hear that foreigners were more careful than the English showed themselves to be in the matter of grain cargoes. At the present moment we were importing grain in large quantities from the Black Sea in a very unprotected manner.

SIR CHARLES ADDERLEY said, the Government showed their sense of the gravity of dealing with foreigners in such penal enactments by shrinking from putting clauses with this object into the Bill in the first instance. It was a step which no Government before had attempted to take, and it was only after a strong expression of opinion from the House that they decided to adopt such an extended application in the most cautious, careful, and limited manner, not, as the hon. and learned Member for Oxford seemed to think, in an unlimited and reckless way. He now proposed to them to impose a penalty on a foreign shipowner, agent, or master which would be difficult, if not impossible to carry out. We certainly could not punish foreigners for acts not committed within our jurisdiction. He must oppose the Amendment.

MR. E. JENKINS wished to know whether the Government had not re-

ceived a very strong representation from Canada with reference to the clause, and whether they had not asked either that all foreign vessels should be placed on the same footing with British, or else that Canadian shipping should be excluded from the operation of the Bill?

MR. T. E. SMITH said, that this was a repetition of the clause which appeared in the Bill of last year.

THE CHANCELLOR OF THE EXCHEQUER said, there were two distinct questions raised, one was as to the general question of the fairness of the clause as it stood, and its relation to other clauses of the Bill; the other question arose with reference to Canada. The Canadian Government had been watching with considerable interest, and some uneasiness, the course of legislation on this subject. A very intelligent gentleman was over here from Canada who was well acquainted with the subject, and since he had seen the provisions made, he had felt that great part of the discontent of Canada would be modified by the alterations made. The Canadian Government did suggest either that Canadian ships should be excluded altogether from the operation of the Bill, or that British and foreign vessels should be treated on the same footing. As to the idea of putting Canadian ships on a different footing from British ships, he did not think the Canadian Government would, on deliberation, be inclined to favour it. It would be most unfortunate to establish such a distinction between Canadian and British vessels. The object was to place foreign ships as far as could be done in the position not only of Canadian but of all British ships. The Government were not neglecting the matter and would give it their careful consideration. With regard to grain cargoes the clause was practically the clause which had been in operation for the last twelve months, and he did not think that Canadian ships would be subject to any inconvenience from it. It was necessary that some discretion should be allowed with respect to grain cargoes, particularly so far as respected foreign ships.

SIR WILLIAM HARCOURT said, he would not trouble the House to divide on the question.

Amendment, by leave, *withdrawn*.

MR. PLIMSOLL moved, as an Amendment, in page 10, line 21, the insertion of the words—

“And it shall be the duty of the officer of customs placed on board any ship carrying grain cargo into any port of the United Kingdom to report to the Board of Trade what proportion of the said grain cargo were in bags or sacks, and whether the shifting boards were carried down to the keelson or screw-tunnel of the vessel, and if not, to what depth they were carried down.”

Amendment proposed,

In page 10, line 21, after the word “conviction,” to insert the words “and it shall be the duty of the officer of Customs placed on board any ship carrying grain cargo into any port in the United Kingdom to report to the Board of Trade what proportion of the said grain cargo was in bags or sacks, and whether the shifting boards were carried down to the keelson or screw tunnel of the vessel, and if not to what depth they were carried down.”—(*Mr. Plimsoll.*)

SIR CHARLES ADDERLEY opposed the Amendment, believing that it would be impracticable to carry out the proposals of the hon. Member.

SIR WILLIAM HARCOURT considered it desirable that somebody should go on board every grain ship and report whether the cargo was properly stowed, and he trusted the President of the Board of Trade would assent to a provision of that kind. The other day they were all shocked by the Return which had been laid on the Table of the House respecting the loss of life in these grain ships, one of the most appalling documents that had ever been laid before the country. He considered that the hon. Member for Derby was right in proposing the Amendment, and would suggest to him the propriety of his making his provision more general, and directing the Custom House officer to make a Report to the Board of Trade on the subject.

Question, “That those words be there inserted,” put, and *negatived*.

MR. E. JENKINS moved to add to the clause a Proviso, that nothing contained in the section should affect Canadian vessels not sailing or discharging at ports of the United Kingdom. The Canadian Government were fully alive to their duties, and had already taken the initiative in this matter, but they were the fourth maritime nation in the world, and they had very important interests at stake, which it was desirable to protect.

Amendment proposed,

In page 10, line 21, after the word “conviction,” to insert the words “Provided, That nothing in this section contained shall apply to or affect Canadian vessels not sailing to or discharging at ports of the United Kingdom.”—(*Mr. Edward Jenkins.*)

THE CHANCELLOR OF THE EXCHEQUER was afraid it would require special legislation in order to define what a Canadian vessel was. He objected to the Amendment principally, however, because it would be injudicious to legislate in this Bill exceptionally for Canada and to draw invidious distinctions in her favour.

Question, “That those words be there inserted,” put, and *negatived*.

Clause 19 (Space occupied by certain deck cargo to be liable to dues).

On the Motion of Sir CHARLES ADDERLEY, Amendment made in page 10, line 31, by inserting after “goods,” the words “at the time at which such dues become payable.”

MR. MAC IVER moved the omission of the clause, on the ground that it was useless and unworkable. He believed it had been passed under a misapprehension, and that there had been no intention of exempting vessels engaged in the home trade from the operation of the Bill.

MR. WILSON supported the Amendment. The House was really not aware how it had committed itself by adopting a system of exemption which extended to nine-tenths of the deck cargoes of the home trade.

SIR CHARLES ADDERLEY did not believe the Committee had passed the clause in such a total misapprehension. The clause had been well considered in Committee, and he hoped the House would not now re-open the question with which it had dealt so decisively.

MR. MACGREGOR hoped the hon. Member for Birkenhead would not press his Amendment.

Motion made, and Question, “That Clause 19, as amended, stand part of the Bill,” put, and *agreed to*.

Clause 20 (Penalty on ships carrying deck loads of timber in winter).

MR. MACGREGOR, on this clause, which provided that no ship, British or

foreign, arriving at any port in the United Kingdom, which had sailed from any port after the 1st of October, &c., should carry deck cargo, moved to substitute the 1st of September, as many of the heaviest gales took place in October.

Amendment proposed, in page 11, line 5, to leave out the word "October," in order to insert the word "September."—(*Mr. Macgregor.*)

Question proposed, "That the word 'October' stand part of the Bill."

SIR CHARLES ADDERLEY explained that the date was fixed to meet the Canadian law. The proposed alteration would in fact impose a penalty on the Canadian timber trade, in the very enactment meant to induce it, and he could not assent to it.

MR. MACGREGOR said, he would withdraw his proposal; but in doing so would express a hope that an effort would be made to induce the Canadians to alter their law so as to prohibit deck cargoes in the month of October.

Amendment, by leave, *withdrawn*.

On the Motion of Sir CHARLES ADDERLEY, Amendment made in page 11, line 6, by leaving out from "carry," to "any timber," in line 9, and inserting "as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage."

MR. PLIMSOLL moved the omission of certain words in the clause with the view of the insertion of the words "deals and battens as deck cargo" after the word "timber;" the object being to prohibit the carrying of such cargo as dangerous, and thus practically the carrying of all deck loads of timber in winter. Between the 1st October last year and the 31st January of the present year as many as 45 vessels sailing from ports in the North of Europe alone were lost in consequence of the practice of carrying deck cargo.

Amendment proposed, in page 11, line 9, after the word "timber," to leave out all the words to the word "deck," in line 11, inclusive, in order to insert the words "deals or battens."—(*Mr. Plimsoll.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

SIR CHARLES ADDERLEY opposed the Amendment, on the ground that it would be unwise to impose a penalty upon the regulations of Canada and increase irritation between the two countries in the very act of assimilating the laws of both. At all events, if it were wise to make this further alteration, we had better make the Amendment together, after having first got ourselves on common ground.

SIR WILLIAM HARCOURT maintained that the Canadians had made no objections on the subject, but the right hon. Gentleman had made the position. The correspondence proved distinctly that the Canadian Parliament had expressed their willingness to concur in any law we might pass provided foreigners were placed on the same footing as themselves.

LORD ESLINGTON declared that some of the leading "Mutual Insurance" associations in the North had for some time past refused to insure vessels carrying deck loads. Deals were one of the most dangerous cargoes that could be carried in the winter months, and therefore he should vote for the Amendment.

MR. SAMUDA said, this was the most important clause of the Bill, and ought not to be disposed of without the fullest consideration. To allow a ship to be piled up on deck with battens and timber would materially interfere with her free working.

THE CHANCELLOR OF THE EXCHEQUER reminded the House that the clause dealt with a very delicate question, in that it would refer not only to the condition in which ships reached this country, but that in which they sailed from the ports at which they loaded. In framing the clause an attempt had been made to adopt the Canadian law, so as to have precisely similar regulations at the ports of departure and arrival. The House was now asked to go beyond that law, and he confessed that he had heard no arguments to induce him to believe that it was desirable to pass a law more stringent than the Canadians had done. The representative of the Canadian Government, who was at present in this country, was desirous that

the clause should be left as it now stood.

MR. HERSCHELL did not think it followed that because Canada, when tying her own hands, had legislated in a particular manner she would object to a measure in the same direction which only extended to her the provision which it was deemed necessary to apply to other countries.

Question put.

The House divided:—Ayes 143; Noes 162: Majority 19.

Question, "That the words 'deals or battens' be there inserted," put, and agreed to.

Amendment proposed, in page 11, line 12, to leave out the word "is," in order to insert the words "deals or battens be."—(Sir Charles Adderley.)

Question proposed, "That the word 'is' stand part of the Bill."

MR. PARNELL moved, on account of the lateness of the hour, that the debate should be adjourned.

MR. SPEAKER: Does any hon. Member second that Motion?

MR. SULLIVAN said, he would do so.

THE CHANCELLOR OF THE EXCHEQUER expressed a hope that as the remaining Amendments were mostly of a formal character the Bill might be proceeded with.

Motion made, and Question, "That the Debate be now adjourned,"—(Mr. Parnell,)—put, and negatived.

Question, "That the word 'is' stand part of the Bill," put, and negatived.

Other Amendments made.

Clause, as amended, agreed to.

Clause 22 (Marking of load line).

MR. WILSON moved an Amendment on the clause, with the object of securing that the loading of a ship should be in conformity with the principle of a sufficiency of surplus buoyancy, as customary for the description of the vessel and the circumstances of the voyage.

Amendment proposed,

In page 12, line 8, after the word "mark," to insert the words "in conformity with the principle of a sufficiency of surplus buoyancy as

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customary for the description of vessel and the circumstances of the voyage."—(Mr. Charles Wilson.)

MR. SAMUDA said, that an owner might fix an improper load-line, no doubt; but still he did not think that the Amendment now proposed would work well. The object of the hon. Member would be better attained by inserting in the 2nd sub-section words to the effect that the disc line should be placed at such a draught of water as to the best of his judgment was a safe and proper immersion. That would require the owner to fix an honest load-line.

SIR CHARLES ADDERLEY agreed with the hon. Member who had just spoken. He considered the Amendment proposed had no meaning whatever. That a ship should be loaded sufficiently and as was customary was no definition at all.

Question, "That those words be there inserted," put, and negatived.

MR. PLIMSOLL then proposed the insertion in the clause, after the word "centre," of the words—

"In a position approved as reasonable either by the builder of the ship or some other independent and competent authority."

He made the proposal, he said, by way of Amendment on the owner's line pure and simple, which was admitted by every one who was practically acquainted with the matter to be a delusion and a snare.

Amendment proposed,

In page 12, line 13, after the word "centre," to insert the words "in a position approved as reasonable either by the builder of the ship or some other independent and competent authority."—(Mr. Plimsoll.)

SIR CHARLES ADDERLEY took an entirely different view from that of the hon. Member of the clause as it stood, and said experience had shown, and the Chief Surveyors had reported, that at all the principal ports in the country the disc had been placed in a *bond fide* way in almost every case. Besides, the opinion of the builder was not likely to be an independent one; it would probably be given so as to please his employer, the owner.

MR. NORWOOD believed the clause had worked very well on the whole,

and put the responsibility on the right shoulders.

Question, "That those words be there inserted," put, and *negatived*.

Clause 24 (Application to foreign ships of provision as to detention).

On the Motion of Sir CHARLES ADDERLEY, the following Amendments were made in the clause:—

Page 13, line 13, leave out "five," and insert "six;"

Page 13, lines 13 and 14, leave out sub-section 1;

Page 13, lines 19 to 25, leave out sub-section 3, and insert—

"(2.) Where a ship has been provisionally detained, the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Board of Trade to survey the ship shall be accompanied by such person as the consular officer may select, and in such case if the surveyor and such person agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the appeal to the court of survey touching the report of the surveyor which is before provided by this Act; and

"(3.) Where the owner or master of the ship appeals to the court of survey the consular officer, on the request of such owner or master, may appoint any competent person who shall be assessor in such case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Board of Trade.

"In this section the expression 'consular officer' means any consul general, vice consul, consular agent, or other officer recognized by a Secretary of State as a consular officer of a foreign State."

Clause, as amended, *agreed to*.

Clause 25 (Appointment, duties, and powers of wreck commissioners for investigating shipping casualties).

On Motion of Sir COLMAN O'LOGHLEN, Amendment made in page 13, line 32, after "Commissioners," insert—

"And in case it shall become necessary to appoint a Wreck Commissioner in Ireland, the Lord Chancellor of Ireland shall have the appointment and the power of removal of such Wreck Commissioner."

Clause, as amended, *agreed to*.

Clause 26 (Assessors and rule of procedure on formal investigations into shipping casualties).

Amendment proposed, in page 14, line 10, to leave out the words "one of."

—(*Mr. Mac Iver*.)

Question, "That the words 'one of' stand part of the Bill," put, and *agreed to*.

Clause 31 (Ships' managing owner or manager to be registered).

On the Motion of Mr. NORWOOD, Amendment made in page 16, line 4, leave out all after "registry," and insert—

"Where there is not a managing owner there shall be so registered the name of the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner; and any person whose name is so registered shall, for the purposes of the Merchant Shipping Acts, 1854 to 1876, be under the same obligations, and subject to the same liabilities, as if he were the managing owner.

"If default is made in complying with this section the ship may be detained until compliance."

Clause, as amended, *agreed to*.

Other Amendments made.

Bill to be read the third time upon *Thursday*.

WAYS AND MEANS.—COMMITTEE.

WAYS AND MEANS—*considered in Committee*.

(In the Committee.)

Motion made, and Question proposed,

"That, towards making good the Supply granted to Her Majesty for the service of the year ending the 31st day of March 1877, the sum of £11,000,000 be granted out of the Consolidated Fund of the United Kingdom."

MR. O'SULLIVAN objected to pass a Vote of such magnitude at a quarter past 1 in the morning, and moved to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. O'Sullivan*.)

THE CHANCELLOR OF THE EXCHEQUER explained that the Vote was merely a formal one, and did not ask the House to vote any money beyond what had been sanctioned in Committee of Supply.

Question put.

The Committee *divided*:—Ayes 15 ;
Noes 87 : Majority 72.

Original Question again proposed.

Motion made, and Question proposed,
“That the Chairman do now leave the
Chair.”—(*Mr. Parnell.*)

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Resolved, That, towards making good the Supply granted to Her Majesty for the service of the year ending the 31st day of March 1877, the sum of £11,000,000 be granted out of the Consolidated Fund of the United Kingdom.

Resolution to be reported *To-morrow* ;

Committee to sit again upon *Wednesday*.

ELVER FISHING BILL.

On Motion of Mr. MONK, Bill to amend the Law relating to Elver Fishing, *ordered* to be brought in by Mr. MONK and Mr. PRICE.

Bill *presented*, and read the first time. [Bill 162.]

SMITHFIELD PRISON (DUBLIN) BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to authorise the sale of Smithfield Penitentiary Convict Prison, Dublin, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH and Sir MICHAEL HICKS-BEACH.

Bill *presented*, and read the first time. [Bill 163.]

House adjourned at a quarter
before Two o'clock.

HOUSE OF LORDS,

Tuesday, 23rd May, 1876.

MINUTES.]—PUBLIC BILLS—*Second Reading*—*Burials in Churchyards* (77), *negatived* ; *Local Government Provisional Orders*, Briton Ferry, &c. (No. 4) * (87) ; *Local Government Provisional Order*, Skelmersdale (No. 5) * (88).

Report—*Partition Act* (1868) *Amendment* * (52) ; *Statute Law Revision* (*Substituted Enactments*) * (82) ; *Pier and Harbour Orders Confirmation* (*Aldborough, &c.*) * (78).

Third Reading—*Poolbeg Lighthouse* * (79), and *passed*.

BURIALS IN CHURCHYARDS BILL.

(*The Earl Grey.*)

(NO. 77.) SECOND READING.

Order of the Day for the Second Reading, read.

EARL GREY, in moving that the Bill be now read the second time, said, he did not propose to enter into any argument on the general question whether Dissenters had a grievance with respect to churchyards—that question was sufficiently discussed on the Motion recently made by his noble Friend the Leader of the Opposition in that House (Earl Granville), and he did not intend to revive the discussion which had followed that Motion. It was quite unnecessary for him to do so, because it had been distinctly admitted on that occasion, both by the noble Duke the Lord President of the Council on behalf of the Government, and the most rev. Primates on behalf of the Episcopal Bench, that there did exist a real grievance on the part of the Dissenters, which required to be remedied. All he (Earl Grey) now proposed to attempt was to show in what manner this admitted grievance would be redressed by the Bill he had laid on the Table of the House, and that it did not deserve the somewhat severe strictures which had been passed upon it in the late debate, both by the noble Duke opposite and by the most rev. Primate. Not very long ago a Motion was made in the other House of Parliament on this same subject, and every one who read the debate on that Motion must have remarked that the two Ministers who spoke on behalf of Her Majesty's Government took great pains to show that the grievance of the Dissenters was not the only thing that required redress in connection with the churchyards of this country. They both contended that the sanitary condition of many churchyards also called urgently for attention. He believed that to be perfectly true—no doubt, many of our churchyards were in a most unsatisfactory state. Many of them were inadequate, as regarded extent, to the wants of the present population ; and others, while not too small, were so badly arranged as to be injurious to the health of the living. Mr. Disraeli and Mr. Cross had ample grounds for their assertions on that matter ; and he

presumed the inference they intended to draw from the facts they stated was that, any measure for amending the law with respect to churchyards ought to provide for protecting the public health from the dangers to which it was now exposed, as well as for the relief of a large number of our fellow-subjects from a hardship of which they complained. He presumed that must have been the inference they meant to draw from what they stated as to the defective condition of churchyards, since otherwise the statement would have had no bearing whatever on the subject that was under discussion. Assuming that he was right in his understanding of the conclusion they sought to establish, he had to express his entire concurrence in it, and the Bill now before their Lordships was an attempt to give effect to that view of the subject. If provision was to be made for the sanitary improvement of churchyards it seemed clearly necessary that local authorities should be created for that purpose. Whatever was required, whether it were the enlargement or any other improvement of a churchyard, must cost money, and he did not know how that was to be obtained except from a rate paid by the parishioners; and if the ratepayers were to provide the money for such purposes, it followed that the ratepayers must have the control of the churchyards for which they were called upon to pay. Accordingly in his Bill he provided for the creation of Burial Boards in parishes. He was aware of the great objection that would be raised to the creation of Burial Boards for this purpose—namely, that this course would be unjustifiable because the freehold of the churchyard was vested in the clergyman. Technically it was quite true that the freehold of the churchyard was vested in the clergyman; but it was shown by a noble and learned Lord (Lord Coleridge) in the recent debate that the freehold in the incumbent was qualified by the rights of the parishioners, and had in it very little of the nature of property; that, in fact, the position of the parish clergyman in relation to the churchyard was much better described by the term “trustee” for the benefit of the parishioners than by that of “freeholder.” If that were so, no injustice, or hardship, or injury of any kind, would be inflicted on the clergy by transferring to other hands the management of the

churchyards. He also ventured to say that in the proposal he made there was nothing of a novel or strange character; for it would be merely a return in principle to what up, to a few years ago, had from time out of mind been the actual state of things in this country. Up to the time of the abolition of church rates the law required the cost of maintaining the churchyards to be provided for out of these rates by the authority of the Vestry. The Vestry was composed either of all the ratepayers of the parish, or of a number of them chosen to represent the general body of the ratepayers. Thus, the ratepayers, either personally or by their representatives, provided the funds for keeping up the churchyards, and, as in other cases, the power of the purse carried with it the control of the service for which the money was provided, so that in fact, in the management of the churchyard the clergyman had to consider what were the wishes of the parishioners. What the Bill proposed was a mere return in principle to this ancient arrangement only substituting a Burial Board composed of a small number of members for the more cumbrous Vestry, which formerly controlled the mode of keeping up of the churchyard. In this manner provision would be made for effecting improvements in churchyards where such improvements were required, without obliging the Board to incur any expense when nothing was required to be done. The appointment of Burial Boards would also afford great facilities for removing the grievance so loudly complained of by Dissenters. In resisting the demand of the Dissenters to be allowed to have their funerals performed in churchyards by their own ministers one of the main topics insisted upon had been the risk that abuses might arise from their having this right conceded to them. There was, in his opinion, but little ground for this apprehension; at the same time he admitted that it would not be right or proper to open the churchyards to Dissenters entirely without check or restriction. For instance, it would be impossible to allow Dissenters to select for the interment of a relative or friend any spot in a churchyard which they might think fit to choose. At present the clergyman had the power of deciding as to where the grave was to be placed: he could object either on

sanitary grounds or from a regard to the just claims of others to any particular selection made by the friends of the person to be interred. If Dissenters were admitted to the churchyards, it would be manifestly inconvenient that the clergy should have the task of making such decisions in their case. He had no doubt that in the great majority of cases the good feeling and good sense of the clergy and of the friends of the deceased would prevent any unseemly altercation from arising; but, unfortunately there had been examples of wrong-headedness in a few both of the clergy and of the Dissenters to warn them of the evils which might occasionally arise unless there existed some authority to check ill-advised proceedings either on the one side or the other. For instance, it would be highly inconvenient, to say the least, that a Church and a Dissenting funeral should be appointed to take place at the same hour in the same churchyard, and perhaps close together, all risk of such difficulties would be averted by giving the control of the churchyard to an independent authority as proposed by the Bill. He trusted that he had now sufficiently explained to their Lordships the principles on which he desired to proceed. As he knew that there was no chance of the Bill passing in the present Session he thought it would be a waste of time if, after having explained its principle, he were to proceed to discuss its provisions at greater length. He wished, however, to defend himself against one or two charges with reference to these provisions which had been brought against him. The most rev. Primate said, on the occasion to which he had already referred, that in bringing forward this measure he had shown a want of due consideration for the feelings of the clergy. He could assure his most rev. Friend that he had not proposed the clauses for which he had censured him in any such spirit, but on the contrary with the strongest desire to provide for the opening of the churchyards to Dissenters in a manner the least calculated to wound the feelings of the clergy and the most likely to promote the success of their ministrations and their own comfort. He had believed, and believed still, that this would be best accomplished by relieving them from all responsibility with reference to the management of

the burial grounds. In a great majority of town parishes, cemeteries having been established, the clergy had nothing to do with the management of the burying grounds. They had neither authority nor responsibility with regard to it; they had merely to bury the dead of their own congregation when called upon in graves of which the position had been determined by another and independent authority. He had never heard that the instruction of their flocks by the town clergy had been interfered with, or their usefulness diminished by their being thus relieved from any charge of burying grounds. He was totally at a loss to understand why the result should be different because the burying ground happened to be adjoining the church instead of a distance from it. He could not therefore see how any insult or injury to the clergy would be involved in the change he proposed, but he did see how much they would gain by being relieved from a state of things which at least occasionally had the effect of involving them in angry contentions with some of their parishioners. Similar considerations had led him to believe that it would tend to the comfort of the clergy themselves, and prevent them from being mixed up in harassing altercations, that they should be disqualified from becoming members of Burial Boards, and the same disqualification ought, he thought, to be applied to the ministers of Dissenting congregations in the parish. The question, however, was one which might fairly be left to be determined according to the judgment and the wishes of the clergy. There was one other point to which he thought it right to call attention. Their Lordships were aware that it had often been complained that the clergy were now required by law to perform the funeral service of the Church over the bodies of persons with respect to whom they thought it ought not to be used. It might be doubted, perhaps, whether this objection was altogether a reasonable one, and whether it might not be chiefly founded on an incorrect interpretation of the words of their Service. But, be this as it might, as in point of fact many clergymen had a conscientious objection to performing the usual funeral services in such cases, he could have no doubt that this objection ought to be respected. He had accordingly introduced a provision into the Bill by which clergymen

would be relieved from the obligation complained of, with the condition he considered indispensable, that when the incumbent of a parish declined to perform the funeral service for a deceased parishioner he should have no right to object to its being performed by another clergyman. The cases would probably be exceedingly rare when another clergyman would consent to perform a funeral service refused by an incumbent, but unfortunately they knew that some few cases had arisen—as when a regular service had been refused in the case of a person held to have been insufficiently baptized by a Wesleyan minister—in which the precautionary regulation would be highly necessary and effectual. He had only to add that if an Amendment that the Bill be read a second time that day six months should be moved to his Motion for the second reading he would offer no objection to it as he was aware that a person of such little authority as himself could not hope to settle such a question as that of the amendment of the law of burial; still his object would have been answered by laying the Bill before their Lordships with a view to the future consideration of the subject, and he could not sit down without expressing his strong conviction that it was the duty of Parliament and of Her Majesty's Government to take care that another Session should not pass without some measure being brought forward for settling the question in the only manner in which it could be settled—namely, by giving complete relief to the Dissenters from the grievance under which they now suffered.

Moved, “That the Bill be now read 2^a.”
—(*The Earl Grey*.)

THE EARL OF SHAFTESBURY said, that what their Lordships had heard from the noble Earl who had moved the second reading was only another proof that the settlement of this most serious question should be undertaken by the authority of the Government. His noble Friend the noble Earl (Earl Granville) who introduced the subject the other night did great service by so doing; and the noble Duke (the Duke of Richmond) gratified the House and the country at large very much by his statement that the Government would undertake the settlement of the question. One word more. He would be presumptuous

enough to give a word of advice to the clergy. He counselled them to listen seriously to what the present Government might say to them on this matter; for he very much doubted whether they would ever again have such good friends as they now had on the Ministerial bench.

THE DUKE OF RUTLAND said, that the Bill would never receive his assent—the clause which would disqualify the clergy from even a share in the management of the churchyards was especially objectionable. As the noble Earl opposite (Earl Granville), in his eloquent speech the other night, narrated some telling and amusing anecdotes, he (the Duke of Rutland) would follow the noble Earl's example so far as to illustrate his objection to this Bill by an anecdote relating to one whom he would not name. The person in question was an excellent man and gave good dinners, but he was by no means brilliant in conversation. He wished, however, to give a dinner at which should be assembled a number of the most celebrated wits of the town; but there was this difficulty—that he knew none of them. In his embarrassment he applied to a noble Lord, who said—“I will manage it; I will ask the company, which ought not to consist of more than twelve.” Well, after a few days the noble Lord presented his friend with a list of the names of those whom he had asked. His friend, on running through the names, remarked, “These will do well; but you have made one omission which is easily rectified; you have left myself out.” The noble Lord replied—“Oh, that is impossible; you would spoil all.” “That is a hard case,” observed his friend. “Not at all; don't you see you will have all the credit of entertaining those wits to dinner, and of paying for the dinner besides?” Such was the comfort given to the host, and similar comfort was offered to the clergy by the Bill now before their Lordships—everyone was to have an opinion in his own churchyard except the unfortunate clergyman. He would ask the noble Earl (Earl Granville) whether the churchyards of England belonged to the Church of England or not? He believed they did:—if so, where was the difference between the Church and the churchyard—the only difference he could see was that one had a roof over

it and the other was open to the air. The common law gave to Dissenters the right to enter the churchyard, and to hear the services and receive the ministrations of the Church of England; and the same common law gave them the right of interment in the churchyards, but it was on the same conditions, that the churchyards were open to the members of the Church of England. He was glad, however, that the Government proposed to consider the whole subject; and he trusted that in any measures they might introduce they would be careful to keep inviolate the churchyards of the country. He believed that the Dissenters suffered under no grievance—some hardships there might be; but the Dissenters were well able to provide graveyards for themselves. He believed that the great mass of them were not sensible of any hardship, and that this agitation was got up by a small band of persons, some of whom were of no religion, partly with a view of vexing the members of the Church, and some with the view of overthrowing it altogether. Therefore he hoped that neither Her Majesty's Government nor the Episcopal Bench would yield to these demands.

THE BISHOP OF OXFORD thought that the noble Earl (the Earl of Shaftesbury), who had now left the House, had spoken to the clergy in a somewhat minatory tone—he had told them solemnly to receive the counsel of the Government, lest they should never have a similar favourable chance. He (the Bishop of Oxford) hoped the clergy would receive good counsel coming from any Government, and should be sorry to think them incapable of accepting good counsel on this long-vexed subject; and he thought they had shown a decided disposition to entertain the subject of the law of burial, to which great prominence had been given in the present Session of Parliament. But he appealed to their Lordships to say whether the clergy had had fair play in this matter. Had any really practical plan ever been proposed for their adoption? Sometimes the clergy were spoken of as if they had stolen a march upon the English people, and had somehow obtained, to their prejudice, possession of the churchyards. But this was certainly contrary to the fact. It should be remembered that neither Parliament

nor the State had ever provided churchyards in any parish in England. This Bill, for the first time in the history of England, would enact that a parish should be obliged to provide its own burial ground. At this moment, if, for example, a burial ground on the coast were swept away by the encroachments of the sea, there was no law to compel the people of the parish to provide another burial ground. Rights of interment were freely spoken of; but Englishmen as such had no right to a place of interment. Churchyards had been provided ages ago by pious laymen—usually the lords of manors—under the advice of the clergy, and therefore it was unfair to charge the clergy with having gained possession of the churchyards to the exclusion of others who had an equal right to them. He trusted that when the clergy had any proposal put before them they would listen to it—not because it was made by the Government, but because their own feelings would teach them to show kindness to their neighbours and manifest the large and generous charity of the Church towards all mankind.

EARL GRANVILLE said, he would not have spoken had not the noble Duke (the Duke of Rutland) made a direct appeal to him on the points of law, whether the churchyards belonged to the Church of England. In answer, he would first of all ask the noble Duke whether the Church of England as a whole was, by law, the owner of any property at all? He believed not. Next, he believed the fee of the churchyard was vested in the clergyman of the parish, to hold in trust for the whole parish, under conditions prescribed by the common and ecclesiastical law.

LORD HOUGHTON was strongly in favour of a settlement of the question. It was one on which the Dissenters felt strongly; and Churchmen could not be surprised at this, remembering that burial services and interments in particular places had given rise to much warm feeling in this and other countries on the part of Churchmen and Roman Catholics, as well as Dissenters. The fear that the churchyards were likely to be “desecrated” ought to be removed by the consideration that in all our large cemeteries, where the greater part of the dead were now interred the burial service was performed by Dissenting

ministers of all denominations; yet he was not aware of a single complaint of indecency or indecorum; and this afforded a strong presumption that they might be trusted to perform the service in country churchyards. In the course of his literary life it had happened to him to deliver two funeral addresses over the graves of literary men; and he trusted that nothing unbecoming or unsuitable to the solemnity of the occasion had been said either by himself or others at such times — on the contrary, he thought, they had promoted good and amiable feelings. With these analogies the present question might be decided in a simple manner, and in no spirit of antagonism to any body of Dissenters whatever.

LORD DYNEVOR: As an incumbent of nearly 50 years' standing, may I be allowed to make a few remarks? I was early led to act in a friendly manner towards Dissenters. Two persons from whom I received the greatest respect when I first went to the parish which I still hold, were two venerable Dissenting ministers. I remember walking at the head of a corpse with one of them, when he said, "I have been 40 years in the wilderness," meaning he had been a minister there for 40 years. About the same time I became acquainted with several members of the Society of Friends, whom I much esteemed. About seven years ago I went down to live part of the year in South Wales, and there I found the benefit of having been always on good terms with the Dissenters, for almost all the people about me were Dissenters; quite eight out of 10 in the rural parts. I cannot indeed say that I approve of the noble Earl's Bill. I should not like to be left out in the cold, and I believe that the clergyman might still remain in his present position with regard to the churchyards, and yet that Dissenting ministers might be allowed to bury their own people in our churchyards without anything irreverent or unbecoming occurring. There are four bodies of Dissenters in my own parish in Gloucestershire; two have burial-grounds, two have not. I should have no objection to allow the ministers of those denominations to perform funeral rites over their own people. I know them, and have confidence in them all that there would be nothing unbecoming the solemnity of the occa-

sion. I think it is a matter for grave consideration that the refusal to allow Dissenting ministers to officiate implies that they are not fit to be trusted. I believe it is this which stirs them so deeply at the present time. Thousands of them are officiating every Sunday in their own chapels; they preach, they perform funeral services in their own graveyards and in cemeteries, and yet they cannot be trusted to do so in our churchyards. The question has now assumed graver proportions, and the Wesleyans, who have always been most friendly to the Church of England, are being alienated from her. I will not now say what has been the cause of this, but it is the fact. About three years ago, I asked a Wesleyan minister what he thought of the Burial question. "Oh," he said, "we do not move in it; we are quite satisfied with things as they are." And it is the case that in Wales there are hardly any burial-grounds attached to their chapels, because they were content with the Church of England service, but it is not so now. A case occurred the other day in Forest of Dean, when the circuit minister asked permission to officiate at the funeral of a Wesleyan. It was refused, and the vicar had not legal power to grant permission. But what the Wesleyans complain of is, that the curate allowed an official of the Order of Foresters to read a kind of service at the grave. I would mention one or two cases to show how persons feel on this subject. A man asked the clergyman of my parish in Wales to be allowed to be buried in a particular spot. It was represented to him that the part was very full. "Oh," he said, "I hope you will allow it, for my family have been buried there for 300 years." Again, an old firm Churchman was asked to sign a petition against the Burial Bill. He said, "I cannot now, for I wish to do as I would be done by, and I should like to be buried near my own people. Besides," he said, "I am getting old, and I should like to draw nearer to the Dissenters before I die." What I desire is, that concessions should be made to Dissenters without injury to the Church of England. We cannot ignore the Nonconformists. Look at their missionary operations. The Wesleyans collect near £180,000—more than the Propagation Society does. The London Missionary Society collects above £100,000; the Baptist, above

£58,000; and the Primitive Methodist, £12,000. Ought men who are doing all this to be disregarded when, having baptized their people, administered the Holy Communion to them, attended them on their sick-bed, they asked to be allowed to offer a prayer or give an address at their graves? The Church of England will never suffer from pursuing a conciliatory course, and conceding what may be called a just claim. I am glad to hear Her Majesty's Government intend to take the subject into consideration. It cannot be advanced by private Members. It is an open sore injurious to the Church and religion in this country, and the sooner it is stayed the better. I think also our burial laws require revision, and that the clergy ought not to be compelled to use our present service over persons of whom no charitable hope can be entertained. I have myself had the pain of reading the Burial Service over a person who did not believe in a future state. We know what scandal occurred at Cowley, where the people broke into the Church, and what a painful scene occurred at the funeral of Baron Pigott.

THE DUKE OF RICHMOND AND GORDON said, he would not detain their Lordships, as in the former debate on this subject he had offered some remarks on what he considered was the purport of the Bill. The noble Earl (Earl Grey) now stated that he did not anticipate there would be any desire to proceed with the Bill; and, in accordance with the hint thrown out by the noble Earl, he would content himself by simply asking their Lordships to read the Bill a second time that day six months.

Amendment moved to leave out ("now") and insert ("this day six months").

On Question that ("now") stand part of the Motion? *Resolved in the negative*; and Bill to be read 2^a *this day six months*.

THE ROYAL COMMISSION ON RAILWAY ACCIDENTS—BRAKES.

QUESTION. OBSERVATIONS.

LORD COLVILLE OF CULROSS said, that two years ago, on the Motion of a noble Earl (Earl de la Warr), a Royal Commission was appointed to inquire into the causes of railway accidents, and

perhaps, considering the magnitude of the inquiry, we must not be astonished that the Commission had not yet reported. It appeared, however, very desirable that the Commissioners should, with as little delay as possible, give the public the benefit of their opinions on the subject of continuous brakes. In the month of June last several of the leading railway companies, at great expense and inconvenience, conducted for the Commission a series of experiments which extended over a week. On that occasion 10 or 11 forms of brakes were submitted to the tests that were applied; but, up to this time, not a single word had been published by the Railway Accidents Commission as to the results of the experiments. No doubt a continuous brake was a valuable appliance for the prevention of railway accidents, and some companies had adopted it to a certain extent; but it could hardly be expected that pending the issue of the Report of the Royal Commission the companies would go to the very considerable expense of applying continuous brakes to all their rolling-stock. The Great Northern Railway Company were trying Smith's vacuum brake; but the application of it cost £50 in the case of an engine and £15 for every vehicle, and, therefore, the adoption of the brake for every engine and carriage would involve a very serious outlay. He was under the impression that it would be very desirable that a uniform brake should be adopted by all railway companies in the United Kingdom. Every day "through" carriages were run from London to Inverness and Aberdeen, passing over the systems of four or five different companies, and if one adopted Smith's vacuum brake, another Westinghouse's, and a third the chain brake, great confusion would arise in the management of through trains. He thought he had stated enough to justify him in putting the Question of which he had given Notice; and he would, therefore, ask the noble Earl sitting behind him (the Earl of Aberdeen), as the present Chairman of the Railway Commission, Whether, with reference to the experiments upon various descriptions of continuous brakes provided for them by a number of the leading railway companies in June, 1875, the Royal Commissioners upon railway accidents intend to recommend any particular

Lord Dynevor

brake for adoption by the Railway Companies of the United Kingdom?

LORD HOUGHTON desired to ask the noble Chairman of the Royal Commission, Whether there was any prospect of the conclusion of the important labours of the Commission, by which the railway interest might be seriously affected? Before the appointment of the Commission many serious accidents had occurred, and it was hoped that the Commission might be able to make suggestions by which a recurrence of such accidents might be prevented. The public and the railway world had anxiously waited for such counsel and advice as the Commission might be able to give; but two years had elapsed without the satisfaction of that anxiety. Doubts were expressed at the time as to the utility of appointing a Commission at all, and whether any practical good would come of it, and those doubts seemed to derive some confirmation from the long delay which had occurred in the making of a Report; which delay suggested that the Commission had had great difficulty in coming to any conclusion, and that, after all, the question of preventing railway accidents must remain much as it stood before the appointment of the Commission.

THE EARL OF ABERDEEN: I should have been glad to give an answer to the Question of the noble Lord near me, were it not for the obvious consideration that since it is the business of a Royal Commission to present the results of their investigations in the form of a humble Report to the Queen, it would be not only premature, but irregular, if any statement were made in your Lordships' House for the purpose of disclosing any portion of the probable contents of that Report. As to the experiments to which my noble Friend has referred, they were of an extensive character, the necessary materials and appliances being provided by an association of the leading railway companies in a very liberal and complete manner. The Commissioners, on their part, were enabled to secure the valuable services of two eminent engineers, assisted by a detachment of Sappers, under the command of officers of the Royal Engineers; so that everything had been conducted in the most accurate and reliable manner. The trials were public, they were witnessed by a very large

number of gentlemen professionally connected with railways, and the general experiments were witnessed by the representatives of the Press, and appeared at the time in the newspapers. I am not aware that any statement or intimation was made by the Commissioners to the effect that those experiments were made for the purpose of enabling them to pronounce an opinion as to which of the various brakes was *per se* the best. In answer to the noble Lord opposite (Lord Houghton), I may add that, though every effort will be made to complete the Report, it is impossible to fix the exact date when it will be presented; the magnitude of the subject to which both the noble Lords have alluded making it necessary that the whole matter should be gone into with completeness.

EARL COWPER said, the remarks of noble Lords impressed him with the advantage of leaving, as much as possible, the adoption of inventions and appliances for the prevention of railway accidents to the Railway Companies themselves. He thought if it had not been for the appointment of the Commission, it appeared probable that some effective form of brake would have been adopted before this by the Railway Companies. As it was, they were waiting for the Commission, fearful lest they should incur great expense and then find that they had all to do over again. He felt strongly that the great thing was to make railway directors feel that they were responsible for the safety of the public, and to leave them to adopt the best plans for preventing accidents. A great stimulus to railway directors to provide for the safety of passengers lay in the fact that they were liable to very heavy damages in the event of an accident.

EARL DE LA WARR desired to say, in answer to the noble Lord opposite (Lord Houghton), that some excuse must be made for the non-production of the Report of the Commission, for when it had almost come to the close of its labours in the taking of evidence, and was about to prepare the Report, the noble Chairman (the Duke of Buckingham) was appointed to a high office in India, and this led to very considerable delay; for the noble Chairman, in order to complete as far as possible the draft Report, took it with him to Port Saïd; and not

only took the Report, but also took the Secretary, so that the Commission was for two or three months not only without its Report, but also without its Secretary.

DOVER HARBOUR.

PETITION. QUESTION.

EARL GRANVILLE rose to present the Petition of Inhabitants of Dover of which he had given Notice. It was a Petition from the owners of property in Dover, numerous signed—indeed, no Petition could more completely represent all classes and all political parties in that town. It urged on the Government the pressing necessity of meeting the rapidly increasing traffic between Dover and the Continent; it gave a correct history of the last attempts at legislation, and prayed their Lordships' House to express such an opinion as would induce Her Majesty's Government to obtain powers to construct at an early date such an extended harbour at Dover as would provide for the naval and military requirements of the country, and afford ample accommodation for the rapidly increasing traffic between Dover and the Continent. Their Lordships might look with some suspicion on representations which might be biased by local interests; he would therefore add a few words to show that the Imperial grounds which they alleged, both for times of peace and for war, were not to be doubted. He would not enter into antiquarian or historical details, or ask why hundreds of years ago Dover was called "*Clavis Regni*;" or why £80,000 was spent on it by Henry VIII., and further large sums by Queen Elizabeth. James I., in his charter to the town, spoke of it as "for many ages a most noted and famous port and harbour," the ruin of which "would be the greatest damage and loss to this kingdom." Charles II. ascribed his successes at sea to his ships using Dover harbour to refit and revictual. Sir Walter Raleigh, in his Memorial of Queen Elizabeth, said:—

"No promontory, town, or haven in Christendom is so placed by nature and situation, both to gratify friends and to annoy enemies, as this town of Dover; no place is so settled to receive and deliver intelligence for all matters and actions in Europe from time to time; nor is there in the whole circuit of this famous island any port either in respect of security or defence,

or of traffic or intercourse, more convenient, needful, or rather of necessity to be regarded, than this of Dover, situated on a promontory next fronting a puissant foreign King, and in the very straight passage, and intercourse of almost all the shipping in Christendom. And if that our renowned King, your Majesty's father Henry VIII., found how necessary it was to make a haven at Dover (when Sandwich, Rye, Camber, and others were good havens, and Calais also was then in his possession), and yet spared not to bestow of his treasure so great a mass in building that pier, which then secured a probable means to perform the same, how much more is the same now needful; or rather of necessity (those good havens being extremely decayed), no safe harbour being left in all the coast almost between Portsmouth and Yarmouth. Seeing, then, it hath pleased God to give unto this realm such a situation for a port and town, as all Christendom hath not the like, and endowed the same with all commodities both by land and sea that can be wished, methinks there remaineth no other deliberation in this case, but how most sufficiently, and, with greatest perfection possible, most speedily the same may be accomplished."

He believed that every line of that was as true at the present moment as when it was originally written—only Dover had become the more important from the invention and improvements of steam. The subject had been inquired into at various times, from 1836 downwards, by Committees and Commissions. In 1840 the Commission appointed to survey the South-Eastern Harbours reported—

"The situation which appears to us to be of the greatest importance, and at the same time offers the most eligible position for a deep water harbour, is Dover Bay. Independently of its proximity to the Continent, this bay possesses considerable advantages."

The Commissioners of 1844 in their Report said—

"Dover, situated at a distance of only four and a half miles from the Goodwin Sands, and standing out favourably to protect the navigation of the narrow seas, is naturally the situation for a squadron of ships of war. Its value, in a military point of view, is undoubted; but the construction of a harbour of refuge there is, in our opinion, indispensable to give to Dover that efficiency as a naval station which is necessary in order to provide for the security of this part of the coast and the protection of trade. The Commission cannot close their Report without expressing in the strongest terms their unanimous opinion and entire conviction that measures are indispensably necessary to give to the south-eastern frontier of the kingdom means and facilities which it does not now possess for powerful naval protection. Without any except tidal harbours along the whole coast between Portsmouth and the Thames, and none accessible to large steamers, there is now, when steam

Earl De La Warr

points to such great changes in maritime affairs, an imperative necessity for supplying by artificial means the want of harbours throughout the narrow part of the Channel."

There were few of their Lordships who were not aware of the miserable accommodation which now existed for the important traffic between Dover and the Continent. During the last seven years the Harbour Board had made several attempts, in addition to those proposed by others, to remedy this great deficiency. In July, 1872, the Board made an agreement with the two railway companies to construct a water station for Continental traffic at a cost of £200,000. In the autumn he (Earl Granville) learnt that their Bill would be objected to by the Government Departments on the same grounds as on former occasions—namely, that it might interfere with the larger plans which were supposed to be under consideration. He brought the matter before his Colleagues, and represented that the position of the Government was untenable—that it could not continue indefinitely this dog-in-the-manger policy, obstructing all proposed improvements, without moving one step in proposing a plan of its own. The result was that a Committee of the Cabinet was formed, consisting of the President of the Board of Trade, the Chancellor of the Exchequer, the Secretary of State for War, the First Lord of the Admiralty, and himself, who most carefully investigated the subject. They commissioned Sir Andrew Clarke, R.E., of the Admiralty, and Sir John Hawkshaw to report on a larger harbour. After considerable negotiation with the Harbour Board and the Railway Companies this scheme was adopted, the Harbour Board dropped their Bill and obtained a vote of £10,000 towards the preliminary expenses of the works. In November, 1873, the Harbour Board gave the necessary notices. A change of Government occurred, and their successors very reasonably requested the Harbour Board to drop their Bill, as they had not had time to consider the question. By this time the Harbour Board was nearly £1,500 out of pocket. In 1875, after 12 months' consideration, the Government themselves promoted a Bill to carry out the same plans. The Bill was opposed by Mr. Rylands and others. Some on the ground of economy, but by more on account of the plan not being

sufficiently matured. The second reading was carried, and the Bill was referred to a Select Committee. What was the evidence given before that Committee? The Duke of Cambridge said—

"I do not know of any other part of the Channel so important as regards defence as Dover. The plan commends itself as an advisable mode of enlarging the harbour accommodation of Dover. The position of Dover, being, as it is, in the narrowest part of the Channel, I look upon as of the greatest possible importance. There is no harbour of any importance between Portsmouth and quite the North of England, with the exception of Sheerness, and you can hardly call that a harbour, but rather the mouth of the Thames; but with that exception there is no other harbour on the coast of any magnitude excepting Dover. The Duke of Wellington always considered Dover of the greatest importance. The military works at Dover are very important and extensive. I look upon it that there is no scheme so important as the one before the Committee. Quite irrespective of any commercial question, it would be desirable to carry out the works at Dover now. But if I were asked if it is an important point of communication on general principles between this country and the Continent, I conceive, on that ground alone, there would be great importance attached to it, quite independent of any strategical ground. There is another great advantage at Dover, that there will be no outlay of public money required for the protection of the proposed harbour. A harbour without works would be valueless. The two best stations we have in the country are Portland and this new harbour at Dover. I consider the advantage of Dover very great, from the great facility of concentrating troops by railway from any part of England."

Golonel Charles Nugent, R.E., Deputy Director of Works, gave the following evidence:—

"It is geographically the most important point in Great Britain for having a military harbour. The fortifications at Dover would command the whole of the harbour."

In a confidential Report of the Duke of Wellington in 1843 the Duke particularly recommended Dover as a spot for a harbour of refuge, and as a salient military spot in connection therewith. Major-General Collinson, R.E., commanding for several years the South-Eastern District, gave this evidence—

"Dover is an eminently advantageous point for the embarkation of troops and stores. . . . Very extensive accommodation for this purpose is wanted beyond that which now exists. . . . Dover is the most important strategical point for naval and military operations in the kingdom. . . . I think it is really absolutely necessary for strategic purposes and for military operations."

Sir Alexander Milne, First Naval Lord of the Admiralty, gave this evidence—

"I consider the position of Dover a very important one connected with naval affairs. In case of any operations of a warlike nature, it will become a necessity to have coal in some position in the neighbourhood of Dover. There is no place better suited for it than a harbour at Dover. I attach importance to it as a position for the embarkation of troops. There is no position more central or better adapted for the embarkation of troops than at the end of two railways connected with the interior of England. It is an absolute necessity that this country should have a harbour in that position, that our fleet may have the means of coaling, and that small vessels that are not able to keep the sea in the Downs in very heavy weather should have a place where they can be concentrated."

The evidence of Captain Evans, Hydrographer to the Admiralty, agreed with that of Sir Alexander Milne. Colonel Pasley, R.E., Director of Works at the Admiralty, said—

"I consider it of the utmost importance to the country that the harbour should be provided at Dover. Between Portsmouth and Sheerness there is at present no place where the fleet can coal, and there ought to be a place where the fleet can coal, and Dover being in the narrowest part of the Channel, and at the same time close both to the German Ocean and to the English Channel, is a most important point for the fleet to rendezvous if there be any danger of invasion, and in order that the Fleet may rendezvous there and be there, it is absolutely necessary that a place of coaling should exist. This is a necessity of modern growth. Now, as the Navy consists almost exclusively of steamships, it has become a primary necessity that facilities for coaling should exist. The importance of Dover has accordingly grown very greatly as compared with what it was in those times. If a harbour were to be made anywhere in the neighbourhood, you would have to start afresh and construct fortifications, which at Dover you have already done. At present there is no place where a large force could be embarked in a short time—absolutely none."

Sir John Hawkshaw gave strong evidence as to the feasibility of the plan, of his confidence in the moderate character of the estimates, and of the almost certainty of the estimated increase of traffic. With regard to the last point, he said that engineers had made mistakes as to the cost of their works—an error which, probably, it did not require Sir John's high authority to convince their Lordships — but that he had never known an instance when, with reference to the probable growth of traffic, they had been large enough in their estimates. Mr. Druce, another eminent Civil Engineer, with special experience, corroborated Sir John Hawkshaw's evidence. Mr. W. H.

Earl Granville

Smith, Secretary of the Treasury, said—

"We inherited the scheme from our predecessors. We found it in the form of a Bill last year, and it was delayed in order that the present Government might give it a more full consideration before they committed themselves to it. . . . The Treasury would not have assented to the scheme—I am speaking of the present Treasury—unless it had felt that there were public grounds, grounds of national interest, which justified the scheme as a whole."

After hearing this evidence, what did the Committee report?—

"The evidence adduced before them leaves no room to doubt that, in the case of this country being obliged to engage in warlike operations, the proposed harbour would be of the greatest value and importance, both in a naval and military point of view. At the present moment, it may be said that there is no place between Sheerness and Portsmouth at which vessels of Her Majesty's Navy can obtain a supply of coal if required. The Downs are, no doubt, an admirable naval station, both in point of security and convenience of position, but coaling there would have to be carried on from sea-going vessels or floating depôts, which in time of war would be exposed to attack by the enemy, unless protected by works which at present do not exist. If the proposed harbour is successfully constructed, iron-clads of the largest class can be moored alongside the existing Admiralty Pier, or the Eastern Pier, if modified with that view; coals from any part of England or Wales may be brought by railway in trucks direct to the side of vessels, and shipped with facility, safety, and despatch. In a military point of view, the advantages of the proposed harbour in time of war are not less apparent. Hitherto no proper facilities have been provided either at Woolwich, Chatham, or Sheerness for the embarkation of troops, while at Portsmouth the length of wharf in the dockyard is quite insufficient, and in time of war would probably be required by the Admiralty for naval purposes. On the other hand, Dover is in communication by two railways with the military stations of Canterbury, Maidstone, Sheerness, Chatham, Woolwich, London, Aldershot, Portsmouth, and Shorncliffe; and, as the lines of rail come down to the pier, alongside of which the transports would be lying, a very short time would suffice for the embarkation of a large force. To these considerations must be added the important fact that the proposed harbour will be under protection of great military works, which it would be necessary to provide in any other position where a harbour for naval and military purposes could be constructed. With regard to its capabilities as a harbour of refuge, the Committee, while of opinion that some advantage is likely to be derived by the commercial marine in this respect, yet do not wish to lay too much stress upon this advantage, and were that the only object in view would not feel justified in recommending its construction. Lastly, with regard to the advantage of the proposed harbour, with regard to Channel communication, there is no doubt that the convenience of embarking and disembarking in any weather in the smooth water of

a sheltered harbour is of great public importance. That this is fully appreciated by the great companies which carry the postal and passenger traffic from the port of Dover to the Continent, is sufficiently evidenced by the proposals which have in past years been made by them for the construction of a smaller harbour specially designed for that purpose. In conclusion, the Committee desire to draw the attention of the House to the evidence which has been submitted to them, and by which they have been much impressed, to the effect that a considerably increased extent of deep water space might be secured by a slight modification of the present designs, at an increased cost of moderate amount. It appears, however, to the Committee that it would be beyond their functions to recommend such an increase of expenditure, and they therefore content themselves with bringing the evidence referred to specially to the notice of the House."

The Bill was dropped, and in answer to a Question from him, the Duke of Richmond said—

"With regard to the intention of the Government in the matter, he might state that they, after reading the Report of the Committee to the effect that larger works were advisable, and finding that these larger works would cost more money than the tolls would readily cover, thought it better to withdraw the Bill for the present Session in order that they might in the autumn thoroughly sift and digest the evidence, and prepare a plan to submit to Parliament next Session. In making this statement he did not pledge the Government to any particular scheme, but wished to show their Lordships that the Bill was not withdrawn with any view of shelving the matter in any way whatever." — [3 *Hansard*, ccxxv. 1367.]

Believing the Government intended to proceed with the Bill in the next Session the Harbour Board took no action prior to November, 1875; when on the 10th of that month a letter was received from the Board of Trade stating that the Government had decided not to proceed with the Bill next—that was, this — Session. The delay of the Government in communicating their intention prevented the Board taking any step in the matter. He was sure it was not an intentional want of courtesy, but the inconvenience was not the less. After all that had passed, it would seem as if it was a money difficulty, and increased taxation showed how pressing that money difficulty was. He was the last person to undervalue economy; he belonged to a Government which was supposed to have pushed that virtue too far, and yet, after full deliberation, they resolved that the enlargement of Dover Harbour was a necessity in peace and in war. He was certain that Her Majesty's present Go-

vernment would not raise the objection of economy in any case where State necessity justified expenditure. The expenditure on the shares of the Suez Canal was justified solely on the necessity of securing the shortest of three routes to India for our commerce and our troops. But surely if that were a necessity—and it was generally admitted to be an advantage—it was, at least, an equal necessity to improve our means of communication with the Continent of Europe in time of peace, and to do that which all the naval and military authorities said was essential, not only for sending out our troops from home, but for the purpose of defence from invasion, and no one would, he presumed, say that the chance of a due pecuniary return was less for the improvement of Dover Harbour than for the purchase of the shares. He sincerely hoped Her Majesty's Government would be able to give some explicit assurance on this question.

THE DUKE OF RICHMOND AND GORDON said, it was very natural that his noble Friend, from his official connection with that part of the country and his position as Chairman of the Harbour Board, should put the Question he had just put, present a Petition, and ask for information on this subject. He could assure his noble Friend that the last thing he would think of would be to decry the Petition which he stated to have been so numerous and respectably signed, or to suggest that the persons who had signed it were not acting in a *bond fide* way, or that they did not believe the allegations set forth in it. Neither did he rise to undervalue the importance of the harbour of Dover, whether in a strategical, national, or commercial point of view. He accepted the high authorities which his noble Friend had quoted, from His Royal Highness the illustrious Duke the Field-Marshal Commander-in-Chief, down to Sir Walter Raleigh. He was satisfied with the views expressed by the present illustrious Commander-in-Chief and by the late Field-Marshal the Duke of Wellington, either of whom would have been sufficient for him, and his noble Friend need not have travelled so far back as the worthy Knight of the time of Elizabeth. His noble Friend had left him very little to say—he had with such perfect accuracy described the whole course which the late Government had

taken on this subject, the Bill which had been introduced, and the position in which Her Majesty's Government found themselves with respect to that Bill during the last Session. Her Majesty's Government at that time thought it advisable that the Bill should be referred to a Select Committee of the other House of Parliament. In consequence of the recommendations of that Committee, and what occurred before it, it was not thought advisable to proceed with the Bill. It was therefore withdrawn, and the Government intended to consider the whole matter during the last autumn. They did consider it; but, as the noble Earl would admit, the subject was one of very high importance, of considerable gravity, and required very great consideration. The Government were not able during the autumn to arrive at a conclusion in time to give the notices which would have been required in accordance with Parliamentary practice. The undertaking also was very large, and one which required a very considerable outlay from the public funds; there was a very important person to be convinced—a person no less important in this Government than in the last, the Chancellor of the Exchequer—and the result was that it was not found possible to proceed with so large a scheme during the present Session of Parliament. He was not going to follow his noble Friend into an inquiry whether it was as important from a commercial point of view to improve Dover Harbour as it was to purchase the Suez Canal shares. He would content himself with saying that the Government were perfectly satisfied that Dover Harbour was of very great value from a national point of view. Mr. Smith, indeed, said so in the course of his evidence. The matter was still under the consideration of the Government; but the increased Estimates for the Army and Navy during the present year had rendered it impossible for them to proceed during the present year with a work which must naturally be attended with expense.

THE DUKE OF CAMBRIDGE said, he was glad to gather from the answer of the noble Duke that the Government were perfectly alive to the importance of Dover; and, as his opinion had been referred to, he wished to take the opportunity of stating that he adhered to every word of what he had expressed on

a previous occasion. It was not that he attached much importance to his own views, but they were the views of the Duke of Wellington and of every military man who had considered the question. Difficulties might, no doubt, have arisen to prevent the works from being pushed on in the present year; but he hoped that, whenever it was possible to do so, these works might be undertaken, for they formed one of the most important military undertakings which could be carried out. We had a position there very capable of defence. A harbour might be formed such as could hardly be formed on any other part of the coast, yet there existed there no satisfactory means of embarking or disembarking troops. We were a great maritime nation; and, as the possibility of such requirements must be provided for, it was of national importance that no time should be lost in making Dover available for military and naval purposes.

LORD CARLINGFORD said, that having had charge of the Bill of the late Government on this subject in the other House, he had listened with some anxiety to the answer of the noble Duke. He was glad to hear that the Government had not changed their minds as to the national gravity of this question. The reasons given by the noble Duke for not doing anything in the present year were not convincing, but he hoped that this year's delay would be the last, and that next year they would undertake the completion of this great national work. One peculiarity of the case already mentioned by his noble Friend (Earl Granville) was that a large sum of public money had already been spent at Dover both in the water and on the land. He would not say that this expenditure was wasted; but in the present state of the works it brought in a very inadequate return. A great fortress had been placed there to command and protect the harbour; was it not worth while, then, even at some considerable cost, for the country to complete what it had begun, and make Dover Harbour really safe and adequate for such purposes as the coaling of Her Majesty's ships in time of war, and generally as a naval station, while at the same time they thereby greatly promoted the convenience and safety of the cross-Channel traffic? While at the Board

of Trade he had regretted that it was necessary to refuse the assent of the Government, and thus put a stop to plans for the improvement of the Channel intercommunication, because they might stand in the way of the plans of the Government and injure Dover as a naval harbour. He trusted that after the present year the works would be no longer postponed.

THE EARL OF FEVERSHAM said, that Dover was, no doubt, an important harbour; but he thought that, in considering the expediency of completing the works there, the Government should not lose sight of the larger question of harbours on the North-East coast. A Royal Commission appointed not many years ago to inquire into this subject reported in favour of Filey Bay as a harbour of refuge, but no action had ever been taken by any Government to carry out this recommendation, although every year a great loss of life occurred on this coast. Nor was there a harbour of defence on the east coast; and before coming to any decision upon the completion of expensive works at any one point of the coast the Government should take into consideration the whole question of harbour refuge and defence upon the east coast.

EARL GRANVILLE said, that Dover stood on a different footing from other harbours. He rose, however, to ask the noble Duke opposite for a more precise answer to his Question. The noble Duke said that the Government were alive to the importance of this subject. So had other Governments been, but nothing had been done. As Chairman of the Harbour Board at Dover, he wished to know what the Government proposed to do. As the noble Duke knew, this Board had powers to raise £500,000 for improving and enlarging the harbour, but they could not act without the permission of the Government.

THE DUKE OF RICHMOND AND GORDON said, he had admitted the gravity of the question, and the great importance of Dover Harbour. The Government also had shown their desire to do something by taking up the Bill brought forward by their Predecessors. That Bill, it was true, had been withdrawn, but from no desire to stop the further progress of the works. He was not now, however, in a position

to pledge the Government as to the exact course they would take next year on this subject.

Petition to lie on the Table.

House adjourned at half-past Seven o'clock, to Friday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 23rd May, 1876.

MINUTES.] — PUBLIC BILLS—*Ordered*—Local Government Provisional Orders, Aberavon, &c. (No. 7) *; Public Health (Scotland) Provisional Order (Wemyss) *.

COMMITTEES.

Ordered, That Committees shall not sit upon Thursday, being Ascension Day, until Two of the clock, and have leave to sit until Six of the clock, notwithstanding the sitting of the House." —(Mr. Chancellor of the Exchequer.)

THE ARCTIC EXPEDITION—OFFICERS OF THE "PANDORA."—QUESTION.

MR. BAILLIE COCHRANE asked the First Lord of the Admiralty, Whether the Naval Officers who are about to sail in the "Pandora" with Captain Allan Young, will be allowed to count the time they are afloat?

MR. HUNT: Under the peculiar circumstances of the case they will be allowed to count such time; and they will be placed on the books of one of Her Majesty's ships and be entitled to full pay.

GAS COMPANIES ACT—GAS REFEREES. QUESTION.

COLONEL MAKINS asked the President of the Board of Trade, What steps were taken by the Board of Trade when they were informed that Mr. R. H. Patterson, one of the gas referees appointed by them under the Act of 1868, had taken out a patent for improvements in the purification of coal gas on the 9th of March 1872, while he held the office of a gas referee; if he would ex-

plain to the House for what reasons Messrs. Patterson and Peirce, two of the referees, were superseded in their office in August 1872, and Dr. Tyndall and Mr. A. G. Vernon Harcourt appointed in their places, the said office of gas referee not being abolished or reconstructed in any way; the powers remaining the same as heretofore, but the emolument only being diminished; and, whether he is aware that in the recent action "*Patterson v. The Gaslight and Coke Company*," the Lords Justices of Appeal condemned in strong terms the withholding of the Gas Referees' Report, dated 31st January 1872, but which the Board of Trade did not receive till the 26th March 1872, between which dates Mr. R. H. Patterson obtained his patent of the 9th March 1872, for the system of purification recommended and suggested in that report and, as stated in evidence, with the sanction and approval of the other two referees; and, if so, what steps he has taken to ascertain the truth of this statement?

SIR CHARLES ADDERLEY: The Board of Trade first saw in *The Journal of Gaslighting* of March 26, 1872, notice of a patent taken out by Mr. Patterson, one of the Gas Referees. On the 23rd of April the Board wrote to Mr. Patterson inquiring whether he was the person referred to in the notice, and, if so, what was the nature of his patent. Mr. Patterson explained that it was not his intention to make any substantial charge for his patent to the companies with which he was officially concerned. The Board of Trade said it was questionable whether a public officer ought to make use of knowledge and experience acquired by him in the discharge of his public duties to establish a claim to a patent. When the patent, if successful, was one which could or might be purchased by manufacturers whom it was the duty of the officer to control, to be used by them for the purposes of a process which he was appointed to regulate, there could be no doubt that the holding of such a patent by such an officer was inconsistent with his public duties. Messrs. Patterson and Peirce were informed on the 23rd of April, 1872, that they would not be re-appointed after the expiration of their annual appointment, in August, 1872; but the circumstances are too

long to be stated in answer to a Question. I am aware of the language of the Lords Justices of Appeal in the recent case of "*Patterson v. the Gaslight and Coke Company*," but as the referees referred to ceased to be the servants of the Board of Trade in 1872, I do not find it necessary to take any further steps in the matter. If the hon. Gentleman will move for the Correspondence on this subject, it shall be laid on the Table.

EGYPT—BOARD OF FINANCE—MR.
RIVERS WILSON.—QUESTION.

MR. W. CARTWRIGHT asked Mr. Chancellor of the Exchequer, When the leave of absence given to Mr. Rivers Wilson on leaving this Country expires; whether any extension thereof has been asked for and whether Her Majesty's Government, as at present advised, see any reason for entertaining such request, if made or about to be made, with the view of enabling Mr. Rivers Wilson to continue his services to the Khedive; and, if he can now state when he expects to lay upon the Table of the House the promised additional Correspondence relating to Egypt?

THE CHANCELLOR OF THE EXCHEQUER: The leave of absence given to Mr. Rivers Wilson was not limited to any particular date, but the time during which he was expected to be absent is now about expiring. A few days ago we received a telegraphic communication from Mr. Rivers Wilson to the effect that the Khedive had asked him whether he would accept an appointment in connection with the Egyptian financial administration, and Mr. Rivers Wilson intimated that he would not be unwilling to accept such an appointment for a period of, say, a year, if he could have an extension of leave for that purpose. To that a reply was given that Her Majesty's Government considered that it would be inconvenient that Mr. Wilson should take any service or should remain in Egypt unless he entirely disconnected himself from the Civil Service of this country. I therefore presume Mr. Rivers Wilson will not accept that appointment, although we have not received any positive communication from him since that intimation was given. I think we shall be able in a very few days to lay the Correspondence upon the Table.

SPAIN—SEIZURE OF THE "OCTAVIA."
QUESTION.

MR. SERJEANT SIMON asked the Under Secretary of State for Foreign Affairs, Whether the Cubans who were taken out of the "Octavia," and detained at Porto Rico, have been released; if not, whether Her Majesty's Government have taken, or intend to take, any steps to procure their release, seeing that the "Octavia" was a British vessel, and that at the time she was seized by a Spanish vessel of war she was on the high seas, and that the Cubans, in common with all on board, were under the protection of the British flag?

MR. BOURKE, in reply, said, the Cubans had not been released; but Her Majesty's Government had received an assurance from the Spanish Government that nothing would be done to them or to the vessel until an arrangement had been come to between the two Governments. An instruction to Mr. Layard on the subject was being drawn up.

UNITED STATES—THE WINSLOW EX-
TRADITION CASE.—QUESTION.

SIR WILLIAM HARCOURT asked the Home Secretary, in the absence of the First Lord of the Treasury, Whether, before the final release of the prisoner Winslow, he will afford this House an opportunity of considering the correspondence between Her Majesty's Government and that of the United States, relating to his extradition?

MR. ASSHETON CROSS, in reply, said, the prisoner Winslow had been further remanded on the application of the Government until the 31st instant pending further communications between the two Governments. As a rule, it was not the practice—and it would be generally inconvenient—to lay Papers upon the Table before the Correspondence had been concluded; but as in this case a partial publication had been made at Washington, the Government would lay the Papers on the Table as far as they had gone.

TURKEY—MURDER OF THE CONSULS
AT SALONICA.—QUESTION.

MR. SAMUELSON asked the Under Secretary of State for Foreign Affairs,

Whether Her Majesty's Consul at Salonica has made any report on the circumstances which led to and accompanied the recent massacre at Salonica; and, whether he has any objection to state its purport?

MR. BOURKE: Some Papers have been received within the last few days. They relate to the whole subject, and it would be inconvenient to lay a part of the Correspondence on the Table before the rest. In answer to the first Question, I have to state that Mr. Consul Blunt, the Consul at Salonica, has made a Report to Her Majesty's Government upon the lamentable occurrence which took place there the other day, and that the purport of that Report is to this effect: A Bulgarian girl of a village in the district of Salonica, having embraced Mahomedanism, had to come to Salonica to make before the Grand Council a declaration to that effect, a formality required by the local law in regard to Mahomedan converts. On her arrival at the railway station, some Greeks, who, it appears, expected her, seized her and tore off her *ferijah* and *yashmak*. The Turks who accompanied her interfered, a scuffle ensued, and the police on duty at the station separated the disputants, and succeeded in taking charge of her. While they were conducting the girl to the Konak they were assailed by a crowd of Greeks, who got possession of her and put her in the carriage of the American Vice Consul, which was driving by at the time, and she was conveyed to the American Consulate. The next day, about 11 A.M., some Mahomedans called on the Pasha and insisted that the girl should be brought to the Konak. The Pasha thereupon sent a message to the American Consulate requiring the immediate presence of the girl at the Grand Council. In the absence of the American Vice Consul, his brother is stated to have declared to the bearer of the Pasha's message that the girl had left the Consulate. The Turks became impatient at the non-appearance of the girl, and warned the Pasha that if he had not the power to deliver her from the Franks they would attack the American Consulate, and from the Konak they proceeded to a mosque in the vicinity where other Mahomedans had assembled. About this time M. Moulin, the French Consul, and Mr. Henry Abbott, the German Consul, went in the vicinity

of the mosque, where they were surrounded by the Mahomedans and forced to enter. The mob became furious, notice was sent to the Pasha, who proceeded to the spot with some of the principal Turks, some Beys, and a few officers of police. The crowd refused to disperse. The Consuls promised to have the girl brought to the Konak, and wrote to the brother of the German Consul to give her up. On learning the danger his colleagues were in, Consul Blunt started at once for the Konak; he was met by several unarmed Turks, with some of whom he endeavoured to get to the mosque. The French Chancellor begged him not to try, as the crowd would let no European approach. At the earnest request of the French Consular Cavass and several Turks, who represented the state of affairs as most critical, he ran to the Konak and wrote a hurried note to the American Consulate, insisting that the girl should be given up. The girl was not there, but she was discovered in the house of M. Ayverinos and given up to the British Consular Cavass, who took her at once to the Konak, but too late to save the French and German Consuls, for they were already murdered. These were the facts of the case. The whole of the Papers bearing on the subject would be laid on the Table of the House.

CIVIL SERVICE INQUIRY COMMISSION —CUSTOMS OUT-DOOR DEPARTMENT.

QUESTION.

MR. BOORD asked the Secretary to the Treasury, Whether any scheme, based upon the Third Report of the Civil Service Inquiry Commission, has yet been decided on with regard to the Customs Out-Door Department?

MR. W. H. SMITH, in reply, said, that no scheme based upon the Report referred to had yet been decided upon, but the whole subject was under consideration.

CRIMINAL LAW—MAD DOGS.

QUESTION.

MR. SYKES asked the Secretary of State for the Home Department, Whether his attention has been called to a judgment given by Mr. Turner in the County

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Court, in which he held that no person was justified in shooting a dog whether mad or not, but that it was the duty of the police to capture the mad dog and bring it before two magistrates, and who, if they were satisfied the dog was rabid, would give an order for its destruction?

MR. ASSHETON CROSS, in reply, said, that his attention had been called to this subject by the Question of the hon. Member, and he could only hope that the law was not in such a state as it was represented to be by the learned Judge; but that he could not answer for. If the law were such as it was stated to be, he should be exceedingly sorry for the police; it would be cruelty to keep the dogs in misery, and he should not like to be the magistrate before whom they were brought. For his own part, he might say that he should give no directions to the Metropolitan Police to act in accordance with the decision referred to.

IRELAND—KINGSTOWN HARBOUR.

QUESTION.

MR. MELDON asked the Secretary to the Treasury, Whether any arrangement has been entered into between the Kingstown Commissioners and the Commissioners of Kingstown Harbour as to the purchase of ground belonging to the Harbour Commissioners; and, if so, the extent and situation of such ground; and, whether, if the plot of ground now used by the Harbour Commissioners is the land proposed to be sold, any, and if so what, arrangements have been made to provide storage and yard accommodation for the Harbour Commissioners?

MR. W. H. SMITH: Sir, the plot of ground to be leased by the Commissioners of Kingstown Harbour to the Commissioners of Kingstown Township for the Kingstown Townhall measures about 130 feet by 90 feet. It lies in the centre corner of the Harbour Commissioners' yard. It was occupied by the contractor as storage ground, stables, and offices, but since the completion of the works, now about 15 years since, it has been practically unoccupied and lying waste. There is no reasonable prospect of its being required for any future purpose connected with the harbour.

**THE SLAVE TRADE—TREATY WITH
THE SULTAN OF ZANZIBAR.
QUESTION.**

CAPTAIN PRICE asked the Under Secretary of State for Foreign Affairs, Whether it is the fact, as stated in the newspapers of yesterday, that a Treaty has been concluded with the Sultan of Zanzibar for the suppression of the Slave Trade within the Sultan's dominions; and if he can give the House any further information on the subject?

MR. BOURKE, in reply, said, that within the last day or two the following telegram had been received at the Foreign Office from the Resident at Aden, dated May 14—

"From Zanzibar Consulate, dated May 6.—Have negotiated with Sultan. Abolition of all slave routes by land, and no caravan to fit out for purchase of slaves or slave hunting in the interior of Africa. All slaves coming to coast to be seized and confiscated, and all land caravans seized. Dealers to be imprisoned."

**REGISTRY OF DEEDS (DUBLIN).
QUESTION.**

MR. M. BROOKS asked the Secretary to the Treasury, If any new circumstances have occurred since the Treasury Minute of June 1874 was sanctioned by this House to occasion the suspension of the promotions in the Registry of Deeds, Ireland, in case of vacancies recently occurring, and when will effect be given to the recommendations of the head of that department consequent thereon?

MR. W. H. SMITH: Promotions in the Registry of Deeds (Ireland) have been suspended because, after an inquiry, it has been found desirable to propose an entirely new system of keeping the Registers, for which an Act of Parliament is necessary. A Bill will be introduced in due course.

**CITY OF LONDON COMPANIES.
ADDRESS FOR A RETURN.**

MR. JAMES, in rising to call attention to the present position of the Eighty-nine Companies mentioned in the Second Report of the Commissioners appointed to inquire into the Municipal Corporations in England and Wales 1837; and to move an Address for a Return setting forth in detail a Statement of the real and personal property vested in such

Companies respectively; also a detailed Statement of the charities payable by such Companies and of the income derived from all sources; and a Statement of expenditure and receipts during the last three years preceding the 1st day of January 1875, said: Mr. Speaker—I am not unaware of the magnitude of this subject, and of the many interests affected by it. Since this Notice of Motion of mine has been placed on the Paper representations have been made to me from sources of various sorts that the influence, power, and wealth of the opposing bodies would be so great that for any private Member to attempt to deal with it would be a Quixotic attempt. Of the power and influence of those forces there is no reason whatever to doubt; but I believe that as the information for which I am about to ask is founded on what is reasonable, equitable, and just, it is what, if not the present, at least some future Government, at no very distant date, will consider it their duty to grant. I regret that very little Parliamentary evidence exists upon which it is possible for me to establish this case, and while I shall have to avail myself, to a certain extent, of such information as is within any private Member's reach, I hope I shall not state anything inaccurate, misleading, or contrary to the fact. These Companies form an integral part of the Corporation of the City of London itself, and that they are themselves municipal Corporations in the strictest sense, I hope to be able to show from high authority stated in this House. For many years, as everyone is aware, the condition of the Corporation of the City of London has remained unaltered and unchanged, and it has always appeared to me that it is not a little singular and strange that this great Corporation which has taken an honourable part in many various and different reforms which we have witnessed during the last 25 or 30 years, as far as itself is concerned, has shown such disinclination to depart from ancient usages and forms, and has hence become more narrow and exclusive as the metropolitan area has spread. It is sometimes alleged that the reason why the City has always brought such fierce resistance to bear against the various proposals made at different times to bring into one central area the different jurisdictions and local authorities which

London at present contains, is that the trustees of the ancient Guilds, to which I am about to call attention, are perfectly well aware that by such a change they will be brought much more closely under the scrutiny of the public eye, and that their funds would be devoted to purposes of a much more catholic and useful kind than they at present profess to have. Although, sooner or later, this question of the municipal reform of London must receive the attention which the subject deserves, I see no reason why the citizens of London, and I may add the people outside—because I do not think this is a parochial question in any sense of the word—should await that change in asking for full information on the subject of the property which these bodies have under their charge. I have been told that this attempt of mine is one of an inquisitorial and unnecessary kind—that it is an attack on private funds—that if the Government granted my demand deprivation and confiscation of property might ensue. An unreasonable comparison has been drawn between these bodies and joint stock companies, private firms, and clubs. I must ask, do clubs elect municipal officers? Do joint stock companies hold land in mortmain, and exercise large trading privileges under Royal and other charters? Do private firms in that capacity exercise Parliamentary franchises? I must enter my humble protest against the idea that these Companies are private bodies, and I think the idea deserves a protest, and has every right to be condemned, that when during the last 25 or 30 years we have instituted inquiries into municipal and ecclesiastical corporations of all kinds, into our Universities and endowed schools, that when not two Sessions ago an inquiry was instituted in this House even in regard to monastic and conventual institutions, so far as their tenure of property in land is concerned, these Companies should remain isolated in their position, should remain entirely uncontrolled, while their duties are so imperfectly discharged, and that a complete ignorance with reference to their property should be obstinately and persistently maintained. It is no exaggeration to say that in consequence of the fierce resistance, I might almost say resistance to the death, on the part of the Civic authorities to disclose in the very

smallest degree any information with respect to their property and funds, an idea prevails generally out-of-doors, and is increasing by degrees, that their revenues are applied to purposes very different from those to which they were originally intended to be used, that the charities are very often frittered away and given to those by whom they are least deserved, and that nothing is done to promote the special industries and trades upon which their success and reputation ought in a great measure to depend. There may be those who think this is a question undesirable to stir up, and the maxim *Quieta non movere* may be very well in many respects; but I, however, maintain that a strong public opinion on this subject already exists. There have been speeches made on many occasions, and frequent articles on the subject have appeared in the daily and weekly metropolitan Press. Perhaps in some of these words and denunciations have been expressed in terms with which I have no sympathy, and which I do not fail to deprecate. But, at all events, they show there is a strong opinion on this subject. Speaking two or three years ago at the Birkbeck Literary and Scientific Institution, Sir John Bennett, who is a Citizen and ex-Sheriff of the City of London, and also a Spectacle Maker, said—

“That while they were strong in the City in respect to technical education, because of the Guilds founded for that purpose, yet in many essential respects these Guilds had not fulfilled their duties; a little gentle persuasion would remedy this, because the Guilds had loads of money, and, like the fly in the treacle pot, could not move for wealth.”

I read the other day an article by Mr. Philips—well qualified to speak with authority on these matters—which appeared in *The Gentleman's Magazine*. He said they were so glutted with money that they did not know what to do with it. It was true that they feasted and feasted and built gorgeous halls. It was difficult, however, to say that they did much more. True it was that many of them feasted under powers conferred in them by having charters, and it was true also that in dealing out their charities they were narrowly watched by the Charity Commissioners. It was also true, however, from the results of recent litigation, that some of them were not above pocketing as their own private property money

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which was intrusted to them for the relief of the poor and the infirm. Charity exhausted very little of their revenues; and what was done with the surplus the members of the respective Courts only knew. A book has been lately written on *Municipal London*, by Mr. Firth, which contains a series of important charges which I think it is right the several authorities should have the earliest opportunity of being able publicly to refute, because while uncontradicted they must raise in the public mind an impression of the existence of a great deal of unpleasant truth.

In the absence of information on this subject, it is difficult to know in the first instance where to turn, so little is known, and so much has been concealed. The Report of the Commission was made in 1837, and a Return in 1868 was moved for by the noble Lord the Member for Westmeath (Lord Robert Montagu) with reference to the Charities, but no Parliamentary evidence has been brought to light to show that the corporate property is rightly administered or the funds well spent. Before I proceed further, I should like to point out what connection between the Companies and the City precisely exists. I have said they are municipal corporations in the strictest sense. The Parliamentary and municipal franchise in the City is vested in the Livery, in which no person can have a right to vote except by being a member of a Company. By them are elected the Lord Mayor, the Recorder, the City Chamberlain, the Sheriffs, the City Auditors, the Bridge House Estate Trustees. They also possess the unique political right of electing the Members of Parliament who represent the City in this House, so long as they have the residential qualification. This is a power which is liable to very great abuse, and from the Return which I moved for a few days since, I hope when it is brought up we shall see how many persons have by purchase obtained their political rights. As far as the *status* of these municipal corporations is concerned, I will quote from what took place here 40 years since, when this question was last brought before the House. It was at a time when the Companies were under the investigation of the Municipal Commissioners, and Mr. Attwood, who was himself Master of the Merchant Taylor's

Company, rose in the House to move that the Petition which had been presented to the Committee on Municipal Corporations should be discharged in consequence of the grave charges which it contained against the Merchant Taylor's Company. Speaking on that occasion Lord Althorp, the Minister of the day, said—

“With respect to the view the hon. Member took of the Order to refer the Petition under debate to the Committee on Municipal Corporations, he thought that the hon. Member was not exactly correct. The Committee was to inquire into the defects of the Corporations of England and Wales, and to report thereon. It was to look into and to ascertain those defects, and in order to do so, every Company, and (to use the expression) every subordinate Company connected, as they must be, with Municipal Corporations, should come under the cognizance of the Committee. With respect to the question whether a trading Company was to be considered as connected with the constitution of a Corporation, he thought that it certainly was.”—[3 *Hansard*, xv. 1119.]

Summing up the debate the Attorney General of that day said—

“One benefit of the present discussion was, they were all at length agreed that, if not now, some distinct inquiry must speedily be made into the state of these trading Corporations, seeing that some of the functions exercised by them were clearly Municipal functions, and therefore make them Municipal Corporations.”—[*Ibid.* 1124.]

As far, however, as they and the City have been concerned in recent years, their connection has been kept as much as possible in the background, as the best means of resisting projected reforms.

I should like to say a few words on the origin of these ancient Guilds and the terms which their charters contain. They must be considered the legitimate representatives of the early Anglo Saxon and Plantagenet Guilds. The Guild in the first instance seems to have been a sort of territorial division somewhat analogous to our modern ward. Gradually they assumed positions connected with special trades. In the days of the Plantagenets, the power and influence possessed by them was so great that it was a question whether they should not be entirely suppressed. It may be said that municipal government and these mercantile communities and privileges grew up side by side, their object chiefly being the preservation of existing trade monopolies and the crea-

tion of new ones, the promotion, as far as possible, of what I may call good and sound commercial morality amongst all persons with whom the trade was identified, and so far as the City of London was concerned the wealth, power, and influence of that City and its surrounding areas. Gradually a large number of these Guilds became incorporated, and about the time of Edward III. and Richard II. in greatest numbers. Nothing could be more simple than the way in which they originated. Take the instance of "the Grocers." They were not then called "grocers" but "pepperers," because pepper was one of the chief commodities they dealt with. It is related that 22 persons carrying on the trade of pepperers met at St. Mary Axe, and they determined to form a Guild. They assembled, dined together—each of them paid 1*d.* as a contribution for a priest to pray for the brotherhood and of all Christian people, and thus the Guild was established by feasting and praying. Formerly many of the Grocers were very great and distinguished persons. Sir John Philpot was one of the earliest members of the Grocer's Company, and he is described by Fuller as—

"the brave merchant who in 1378 fitted out a fleet at his own expense to put down piracy amongst the Scotch,"

and who for that and among other services was described as—

"the scourge of the Scots, the fright of the French, the delight of the Commons, the darling of the Merchants, and the hatred of some noble Lords."

He may be taken as a good illustration of the character and influence of a London Grocer in Plantagenet times. In the days of the Stuarts Sir Thomas Middleton, one of the principal founders of the East India Company, was a leading Grocer, and a typical instance of a member of that body. These persons had all the interests of their trade thoroughly at heart, and when they died there was a priest to pray for the repose of their souls. Gradually they adopted a distinctive dress to show their power, influence, and wealth; it is supposed that thus the term "Livery" first originated, and although in the present day the wearing of particular dresses to denote a particular profession or business would be resented, yet there

is endless information in books and volumes written on the pageant and processions on different occasions in which these gorgeous dresses were made use of, and more particularly on the occasions when the Companies with the Lord Mayor went in procession from Westminster to Guildhall, the abandonment of which custom is perhaps to be regretted. No change whatever has ever taken place in the manner in which the members of these different Companies have been admitted. There were three modes of admission—by patrimony, by purchase, and by servitude. I think I am correct in saying that servitude has fallen almost wholly into disuse, so far at least as it has any practical effect. I am unable to cite any particular case in which parents or guardians have apprenticed a child to a particular trade in any one of these Companies, in order that he might have the particular education it would be natural they should wish him to have:—admission by patrimony is by right of birth, and it is stated that sometimes children are admitted as early as five or six, in order that they may derive substantial benefit in their early youth. Purchase is a privilege obtainable on the payment of certain fees, varying from two to three guineas, to as much, in some cases, as £300 or £400. I am told that no Ironmonger, *bond fide*—unless he applied for a mandamus, which possibly might succeed—could join the Ironmongers' Company, without paying a sum that would amount to £200. However this may be, it is seldom any of the persons belonging to these Companies are often connected with the trade with which they were originally identified. Many of the members have no City residences, they live in the provinces, and the work of making craftsmen, for promoting which some of them were originated, seems almost wholly to have been neglected. In addition to this, purchase is a violation of municipal rights. It has been decided repeatedly that a person obtaining the freedom of a Corporation, not otherwise entitled to it, by the payment of a sum of money renders such purchase void as being an essential violation of the bye-laws of such Corporation. Much more might it be affirmed—that the system may be held bad practised by many of these bodies established for so important a purpose as the protection of trade, by

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which the freedom is sold to persons wholly unconnected with the trade they profess to represent. It may be also well to remark that in the Plantagenet and early times no person was admitted to any Company except that Company whose trade he intended to practise; but now the fact, as the Commissioners of 1837 reported, that admission may be obtained to any Company seems conclusive against the supposition that anything in the preliminary proceedings of a Company tends to secure that the person admitted will obtain a knowledge of the trade which the Company professes to represent. As the forms of admission still remain the same, so it is also with the system of government. It appears to have undergone no change whatever, or, at all events, a very slight change. There have been Masters, a Court of Assistants, and Wardens, the chief of whose duties appears to be the management of their gigantic properties. The larger the Company, the greater is the mystery with which it is managed. It is sometimes said that if a person is troublesome in connection with the Livery the way in which he is kept quiet may be well imagined. There are no properly appointed auditors; no balance sheets are presented to the Company's members; few of them have any properly constituted Courts. They are nearly all self-elected. If admission is by seniority, there is always the ballot box by which the electors are protected. There is no guarantee that leases may not be given at nominal rent to the various members or Court officials, or that instead of the funds benefiting the Company they are chiefly utilized in the interests of the relations of those by whom the business of the Court is managed. After members are entered, they have certain privileges. Sometimes, according to the Report of the Commissioners, they have the right of enjoying pensions — a system, as the Commissioners reported, open to the greatest possible objections—by which pecuniary advantages are attached to those who discharge the duties of Trustees, which should never be annexed to such obligations. There is little doubt that the members of these Courts receive frequent opportunities of attending and inviting their friends to sumptuous dinners; they receive almost sinecure salaries for discharging

not very onerous duties; they may be paid for attending sub-committee meetings. They are able to confer gratuitous education on their children and relations, and for their poorer connections they have alms, doles, and charities. Notwithstanding all these privileges, few maintain their duties: they in no way keep up the purposes for which they were originally organized.

At first they appear to have acted as a sort of constant inspectors of adulterated articles. I have spoken of the Grocers, whose object was to render good and sound every article which the members of the trade dealt with. In 1456 one John Ashfield was fined 6s. 8d. by the Grocers because he had mixed "untrue cinnamon, pepper, and ginger;" but now, in 1876, a grocer may mix iron filings with his tea and sand his sugar, supply any amount of adulterated food, perfectly free from the danger of any proceedings being taken against him by the Grocers or any other Company. Similar provisions for the protection of their trades existed in many of the Companies—the Skinners, the Dyers, the Pewterers, the Merchant Taylors, and many others. Very peculiar rights appear to have been exercised by the Company of Stationers. They were not so much censors of the Press, for in those days the Press did not exist, but they were the custodians of the national mind. In the reign of Queen Mary, in order to protect the Church and State, a charter was granted to the Stationers, by which they had power to search in the shops of the different booksellers and destroy works which might tend to promote sedition or heresies. For discharging this duty they seem to have been allowed the right of publishing almanacks, and in these they exercised the functions of soothsayers and astrologers. They were not particularly successful in their vaticinations. Success to Charles I., Charles II., and to Commonwealth was alike predicted, and many of the expeditions proved disastrous which their prophets favoured with propitious omens. Old Moore and poor Richard's almanack are still published under their auspices: issued with the imprimatur of the Archbishop of Canterbury they were long considered the best publications produced in England. It has been difficult to find, it is said by some authorities, in so small a compass such a quantity of

ignorance, profligacy, and imposture as is still condensed in these publications. They preserved this exclusive right to issue almanacks until a very recent period. At the end of the last century a printer named Carnan brought an action on the subject against the Stationer's Company; but through their wealth and influence—notwithstanding the legal decision theoretically abolished the monopoly in 1775—they were able to buy up all rival publications, and it was not until 1828, when the Society for the diffusion of Useful Knowledge was first started, that the power of issuing almanacks opened the channels of free trade, and distributed this monopoly among other bodies. There are still certain Companies which exercise their trade privileges. The Goldsmiths have the right of assaying metals, and the Gunsmiths of proving gun barrels. The Fishmongers have the right of destroying putrid fish, and the Apothecaries of destroying unsaleable drugs, and in this respect no doubt they render valuable services. Generally speaking, however, the Companies do very little, indeed nothing, to promote that technical education and instruction which is so much needed, and instead of these mysteries being lawfully trained, regulated, and governed in order, as the ancient Charters express it, that no bad or false workmanship may be admitted, everything in regard to the education and improvement of taste in technical or scientific knowledge is left to Sir Henry Cole, Mr. Buckmaster, and the teachers of the large Establishment of the Government at the South Kensington Museum, and the inadequate efforts of a few philanthropic and benevolent persons who may initiate some private enterprize. I should be sorry, however, were I not to recognize the few services which some of the Companies have, to a certain extent, rendered. I am aware that something has lately been done by the Clockmakers and Coachmakers providing a small technical library and exhibitions of models and of drawings. Others are well and honourably known in connection with the schools in aid of which they may have given generous contributions. Something has been done by the Grocers and Clothworkers to promote the delegacy of unattached students at Oxford. We have heard something, too, of what has been done by the

Turners; but their efforts only serve to show how they should be imitated and emulated by the larger Companies. Nothing, it appears to me, could be more judicious than the scheme of examination and the character of prizes awarded by the Company of Turners—it is well known they are of small and comparatively limited resources. Why are not commensurate efforts made by the others?

It is not long since that the right hon. Member for Greenwich (Mr. Gladstone), in an address to his constituents in the autumn, at Greenwich, supplemented by a paper in *Evening Hours*, pointed out how much might be done in the interests of the working classes by efforts to improve education in the interests of art and science, were their efforts properly directed. In the course of his remarks he said that it was much to be regretted that such great attempts had to be made by Government instead of agencies less centralized. The only power strong enough in that direction, he said, appeared to be in the London Companies, they were great institutions—probably unparalleled. It was sometimes remarked, however, he continued, by the timid that in this country there were few fortifications; there was one, however, far away without a rival, and that was the City of London. If the foundations of that great deep were ever to be broken up, it was to be hoped that the leading adjuncts of its high functions would be re-adjusted in accordance with the spirit of the age, if it was to maintain its position as the centre of the commerce of the world.

It is sometimes alleged that the City has a monopoly of these privileges: I will quote from various charters to prove that these benefits were bestowed not merely on the City but on the surrounding areas. A Charter given by William and Mary to the Grocers provided that all persons carrying on the business of confectioners or refiners within the City, or within three miles thereof, should be of the Commonalty of Grocers. The Charter of the Draper provides that no man shall be admitted to the Drapers' Company unless he has duly practised the trade of a draper. The Goldsmiths' Charter includes all those instructed in the trade within the City and three miles. The Merchant Taylors' Charter requires that members shall be engaged in the making

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of apparel in the City or suburbs. It is the same with the Clothworkers, and similar conditions are contained in the Charters of the Dyers, Brewers, Leather-sellers, Carpenters, Cordwainers, Cutlers, and Carriers, and many others. It may be now asked, what right have suburban tradespeople to participate in their rights and privileges? It was said by Lord Macaulay that London was to the Londoner what Athens was to the Athenians in the days of Pericles, and Florence to the Florentine in the 16th century: the Citizen was proud of the grandeur of his City, punctilious of her claims to respect, conscious of her privileges, and jealous of her franchises. Unfortunately, however, instead of extending its advantages for the good of the many, it has confined them, in the present day, for the advantage of a very few. Instead of opening its arms and embracing the surrounding areas, it has confined itself to its own immediate precincts and narrowed its borders.

I have shown clearly and distinctly from the documents I have quoted that those Companies cannot be looked upon as voluntary societies, but that they are public bodies, of which not only Courts of Assistants but all the members have full right to be beneficiaries. It has been frequently decided that they are not, as in the case of other corporations, members by prescriptive usage, but that membership ought to be confined to persons possessing certain qualifications—namely, those who are really working members and have a complete knowledge of their respective trades, well acquainted with the working of the said mysteries, and having the power to compel other persons to become members. Their original object appears to have been to connect themselves with those by whom the interests of their trade might be promoted. They were inspectors of adulterated articles, and were to interest themselves in all such proceedings by which their fellow-workers might become benefited. I would ask, are they now fulfilling those duties? or are their funds being devoted to other objects and different purposes? A Charter was given to the Drapers' Company as far back as the reign of Edward III., continued by Richard II., wherein it was stated, that because strangers had entered London and interfered and meddled with the trade in

such a manner so that the price of drapery enhanced and its quality deteriorated, in future no person should carry on the trade of a draper in the City of London, or the suburbs, unless he had been initiated and admitted as a member of the Drapers. The Government have urged, as a reason for not giving any particulars with reference even to the government of these bodies, that some of them have disappeared or been obliterated in consequence of the decay of the trade with which they were originally identified: there is nothing, however, to prevent those which are moribund from being resuscitated. Comparing the Report of the Commissioners with the City Directory, which professes to give a complete list of the various Companies, I find that the latter takes no notice of the Pavours, the Comb-makers, the Silk-throwers, the Silkmen, the Pinmakers, the Gardeners, the Soap-makers, the Ribband-makers, the Tobacco Pipe-makers, the Long Bowstring-makers, the Woodmongers, the Fishermen, &c.; though they were not large or important bodies, it may be fairly asked what has become of them and of their funds and properties, if such ever existed. From the fact that many of these Charters are still unrepealed, it is quite competent for these bodies to reassert their trade privileges if they dared. It is not likely they would venture to do so with the present popular views on the subject of Free Trade; but, to a certain extent, it must be regarded as a perversion of public funds that these vast sums should be given to wealthy, and from the fact of being wealthy, often obscure, City men, and that nothing should be done for the working classes of Clerkenwell, Hackney, and Bethnal Green. While I have pointed out that under their charters the City and suburban trade have to discharge certain grave and important responsibilities, the advantages conferred upon them by holding these charters can with difficulty be estimated. Under them the right of holding land in perpetual succession, contrary to the Statute of Mortmain, has been granted. The whole question of revenues in mortmain may be variously debated. Everyone is aware that large estates are held by this tenure both by the Universities and the Ecclesiastical Commissioners; and, as was shown by the Commission which re-

cently reported on University Revenues, nothing could be more satisfactory than the management of their property by the Oxford and Cambridge Colleges. Why, I ask, should not the same amount of information be given about these City Companies? It may be asked why it is, if the metropolitan tradespeople are really interested in these matters, that their rights have not been re-asserted? Well, I believe that, to a large extent, they are ignorant of their privileges, and that that ignorance has been studiously and carefully fostered by the darkness and mystery by which the Courts of Assistants have been determined that their management should be surrounded.

In order that the dignity and grandeur of the City might be promoted, power is given to the Guilds under these charters to purchase lands for the benefit of the aged, the weak, and decayed persons. I might well ask, for reasons which shall presently be stated, if the property so obtained by the Merchant Taylors and the Wax Chandlers has been always so devoted. The Goldsmiths, by a charter given to them in the reign of Edward III., confirmed by Richard II., were entitled to purchase land to the value of £20 a-year for the sustentation of weak and aged decayed Goldsmiths; because it was found in the practice of their trade that the smoke of the quicksilver injured their eyes, and tended to make these persons prematurely weak, decayed, and infirm. In process of time, by mechanical improvements, these dangers have been removed, but how is that money now disposed of? What is the present value of the land? Is it given to the interests of the poor? It is greatly to be regretted that in regard to the tenure of property in land by these Companies so much ignorance prevails. No reliance can be placed on the Domesday Return Book, and, as far as the City is concerned, there is no Return. These bodies pay no succession duty, and they never sell, and yet many of them are those who scarcely lift a finger of their hands to do anything for the promotion of that technical instruction for the want of which our public buildings are monuments of want of taste, and our shops are filled with cheap and nasty stuff, instead of anything which is of real and substantial worth. It should be remembered that of all the places in this country in which land is chiefly covetable it is so in the

City of London. The evil to which I have alluded has increased, and is increasing, with our vast growth of population, and, if continued unchecked, it will soon be said that there will be scarcely an inch of land to stand upon. There is another wide question in reference to these bodies which I will briefly touch upon—I mean their ecclesiastical preferments. I possess particulars with reference to the manner of distribution and patronage of livings in the hands of some of the accredited representatives of the Companies, and without entering into particulars, I will merely remark that it is, in my judgment, a question how far they are proper bodies to whom such grave functions should be intrusted. Having now spoken of their different duties and privileges, we may form some estimate of what is the magnitude of their revenues. The property possessed by them is variously estimated. I have heard it said that they possess an annual income of £300,000 or £500,000. This is sometimes thought exaggerated. However, I have lately examined the City Rate Books, and I find that in the City of London alone, as appears by the Valuation Books in the 80 City parishes, the gross estimated rental possessed by these Bodies amounts to £500,416. That is exclusive of their property in other parts of the metropolis as well as in different parts of the country, their Irish estates, and their personal property. Mr. Gilbert, author of *Contrasts*, some two years ago published in that work some interesting particulars in reference to these revenues. The facts given by Mr. Gilbert have never been contradicted. He stated that from the City Rate Book he had abstracted the estimated rental of seven of the large Halls, and to the amount of rental he added an equal sum for rates, insurances, and household expenses. This is the result of the estimate of these various "household management" expenses. The Clothworkers, £10,000; the Drapers, £16,000; the Fishmongers, £7,000; the Goldsmiths, £11,000; the Merchant Taylors, £6,000; the Salters, £6,000; the Grocers, £8,000. In the Report of the Commissioners full information is given in reference to the revenues possessed by the Drapers. They are put down at £24,000. Since then, their large Hall in Throgmorton Street has been erected, at a cost of £7,000—£5,000.

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is spent on payments to salaried officers, £4,000 on entertainments, and £4,000 on alms and charities. From information I have received from private sources the property of the Drapers has of late considerably increased from the falling in of leases. The ground rent of a recent garden in the City is now annually worth £16,000.

I spoke, in the earlier part of my remarks, of the privileges accorded to the Drapers. I might ask, how far have the Drapers of London now any participation in the distribution of those large revenues? I have already said that they present no balance sheet; that they have no properly constituted system of audit; and that they give no information in reference to the administration of their properties; that any attempt at reformation and improvement is resisted; that it is always looked on with deep-rooted objection is not astonishing. All reform within the City is intolerable; it is illustrated by a mere recapitulation of what took place in 1856 in the Court of Aldermen, when Sir George Grey brought forward a Bill for improved municipal government in London—described as a very mild measure—and when it was then stated by these gentlemen, that they were surprised to find a great statesman applying the idea of *meum* and *tuum* to a great Corporation in a way different from what he would apply it to a private individual.

It is sometimes alleged, that as regards their trust property, the Companies are under the Charity Commissioners. This is perfectly true as regards this trust property; but in respect to the corporate property they are wholly unrestricted. Jobbery has not been unfrequent in municipal bodies. The best guarantee for good management is a system of public accounts, with properly appointed and responsible auditors: but close self-elected Courts, are open to the gravest possible abuses. To my mind a very narrow line divides the two classes of property in all reformed, and in all unreformed corporations, those used for external objects—not affecting the inner life of the municipality—such as doles, alms, and charities, and of those affecting the management for internal purposes, such as the support of town clerks, halls, and offices. It was decided, at the time of the passing of the Act of 1835, that in the case of all corporations

scheduled in that Act, both were to be applied for public interests and public uses; and I should like to know whether any distinction can be drawn between the two classes of property which are possessed by reformed bodies mentioned in the Act, and those which were omitted. I think the charge might be made against the London Companies that, perhaps through their apathy, the education of the metropolis has been neglected. The expenditure of the London School Board has made quite a flutter amongst the metropolitan Vestries. I have by me a list of all the resolutions which have been passed by the different Vestries on this subject: on all sides there has been what I may call a howl of indignation from the London ratepayers; but this would never have been put forward had there been a greater desire on the part of the City Companies to educate independent traders, instead of squandering their own revenues for private purposes. It is not an expression to which I am particularly devoted—but what Mr. Mill called the unearned increment of these bodies has been disproportionately given to private objects, whilst public objects have lain by and been neglected. It would be waste of time to show how enormously their property has increased in particular instances. I will illustrate it, however, from two cases, in respect of property belonging to the Mercers, and *ex uno disce omnes*. They hold property under trust from Sir Thomas Gresham, and from Lady Joan Bradbury. Both these estates are mentioned in the Return obtained by the noble Lord the Member for Westmeath (Lord Robert Montagu). I find that property was left by Lady Joan Bradbury, according to the Return, amounting to £1 10s. a year, to be given to educational purposes. I have obtained particulars from the Charity Commissioners, and find that 10 years ago the value of that property was estimated at £8,709 by the assistant of the Commissioners. Sir Thomas Gresham left £340 for educational purposes, and the moiety of the value of that estate in the neighbourhood of the Royal Exchange now amounts to £12,240. I think that, in any inquiry into these Companies, it would be well to ascertain how the Courts interpret decayed members—whether they are decayed in business, failed by their own rash and foolish speculations,

or whether they are honest tradesmen, whose health may have broken down and families become ruined in the attempts to earn an honest livelihood. There is no doubt that large sums of money were left to the Companies distinctly for what may be called "jollification purposes;" and in any inquiry into their revenues there is no reason to suppose that these would be interfered with. £20,000 was given to the Clothworkers "for making themselves comfortable." There can be no doubt that the money is industriously employed; but is that always the case where property has been bequeathed for the interests of the poor? Two cases I might mention, well known to lawyers—ignored, perhaps, by other persons—where money given for charitable objects was for many years diverted for private uses. I allude to the cases of Donkyn's bequest to the Merchant Taylors, and Kendall's to the Wax Chandlers—in both these cases it was held by the Master of the Rolls, and afterwards by the Court of Appeal, on the clearest possible issues that property given for the specific objects had been devoted to corporate purposes. When they sometimes accomplish charitable objects they do so at enormous expense. In 1812 a set of almshouses was built by the Goldsmiths at a cost of £600 for each inmate accommodated, and in one case lately, when an apprentice fee of £10 was to be charged, the Court made it an excuse for a dinner which cost £100. Once a person was asked if he could account for the longevity of some of the members of the Company: he replied—"The dinners have done it;" and though there may be ample evidence to show record of copious feasting in the early days of these bodies, there is nothing to show how much was given for the corporate funds of the society, and how much by the individual entertainers. I must now point out that in no respect can these bodies be regarded as independent autonomies, but that they are responsible both to the City and to the Crown for the discharge of their different duties. Time fails me to recount the different cases in which members of different Courts applied to the Court of Aldermen for incorporating charters; and fines were imposed on refractory members. I will not take the earlier cases, but quote only later

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instances. In 1752 five liverymen of the Merchant Taylors applied to the Court for a copy of the Company's by-laws; it was only granted apprehensively, when an application was threatened to the Court of Aldermen, calling on them to produce the withheld information. Subsequently the Lord Mayor and Aldermen passed a resolution to the effect that the several Companies were under the government of the Lord Mayor and Aldermen. In 1853 the Court of Common Council had before them three ordinances of the Clothworkers, when two were accepted and one rejected. In 1774 the Common Council enacted that no person should be allowed to be a butcher in a particular district unless he was free of the Butchers Company; and by a second enactment of 1770, no person was allowed to carry on the trade of a poulterer unless he was free of the Poulterers. The Court of Aldermen refused to grant a livery to the Clockmakers until 1766; and only last year we had before us in this House the case of the Needlemakers, upon which the Court of Aldermen gave them permission to increase their livery by 100 members. The power of the Crown over these bodies has been from time to time vigorously questioned. In the reign of Richard II., under pain of forfeiture, the Companies were required to deliver to the Sovereign copies of their origin, foundations, statutes, liberties, privileges, rules, and ordinances, together with a statement of their property, and the income derived from it—ever since that time, up to the reign of William III., that right was continuously asserted. In aid of the various sovereigns they gave enormous subventions—Henry VIII., Charles I., and Charles II. all extorted from them vast contributions. In the reign of Charles II., in 1684, that Monarch declared all their charters forfeited, and granted them new ones, by which the right of perpetual succession was secured, but the officers of the Companies were made responsible to the Crown; and the whole body of the freemen and livery to the Lord Mayor and Aldermen. I have, perhaps, dwelt too much on this subject, and on what may be called its historical and legal bearings; but it is really necessary, in order to show the House the position of these bodies. In the reign of William III., to gain the good-will of the companies, that

monarch repealed all the new charters, and granted in their full validity the old ones, on the plea that they had been tyrannically extorted, instead, as was actually the case, that they had been voluntarily ceded. In 1837 they fiercely resisted the inquiries of the Municipal Commissioners; but Parliament having then declared them to be municipal corporations, any information now refused as to their status by Parliament would be distinctly retrogressive. Ever since then they have slept and slumbered, and have remained practically unmolested. It is not true wisdom, on the part of any public body possessed of large powers and endowed with large revenues, to resist Parliamentary control and inquiry. It is 40 years since this question was first brought forward in this House, and then Parliamentary government may be said to have been upon its trial, while now it is in the fulness of its power. On the Continent, as well as in this country, public bodies are under the control of various Departments of the State. When I have shown to the satisfaction of the House that these Companies, who possess large properties, do little else than spend large sums in conventional almsgiving and gorgeous entertainments, it will not be long before there arises an ardent desire for reform. We have a strong love in this country for ancient institutions—a wholesome dread of centralization; and there may be a wish sometimes to see public duties performed by bodies of irresponsible and unofficial men; but if there exists a feeling that something is kept back from the public eye, it will not be long before there arises a strong feeling of misgiving, and the members of these bodies will perceive that there is a limit to the indulgence and forbearance of their fellow-countrymen.

Sir, I am aware that this Motion will be opposed—it will be with anxiety that I listen to the grounds. The strength of the opposition I very well know. In former days the Companies have supported the Corporation—and I suppose the Corporation will now support the Companies. I hope that, in anything I have said, no one will assume that I wish that they should be obliterated and swept away: I only wish that they should be more fully alive to the altered circumstances and necessities of the present day. No doubt they have at

times been the means of doing good. I dare say whoever answers me will reveal some long catalogue of the public benefits they have conferred. Still, at the same time, I say that such arguments are worthless, unless they also reveal the opportunities they have. No doubt they have done great things; but I cannot conceal the fact that sometimes great things have been done even by profligate and worthless men. I have no doubt that my Motion will be opposed on both sides: the opposition on the other I can easily understand; but I hope on this, at least, that before voting hon. Members will pause and ask themselves whether they are acting consistently with the principles which they have on previous occasions steadfastly and religiously upheld. I am aware of the difficulties in which many are involved. If there were no other considerations than great dinners it is unpleasant, for many of them, that they should be brought, I will not say into collision, but opposition with those with whom they have long been connected. I ask them, however, not to let their gratitude for past kindnesses blind them to the existence of present abuses. If their management is so excellent, why should it be concealed? It can only lead to the supposition of the existence of abuses in which the members of the different Companies can hardly be supposed anxious that it should be believed that they should abound. As far as confiscation is concerned, they need scarcely be afraid; and I therefore ask them, in a spirit consistent with the age, to give the information which has been so long and so studiously withheld. The hon. Gentleman concluded by moving for the Address.

MR. KAY-SHUTTLEWORTH, in seconding the Motion, said, he regretted that he was physically unable to make a speech in its favour. His hon. Friend had shown that the City Companies were public bodies, and, moreover, that they were public bodies possessed of great endowments. Now, such bodies could not in those days exist except in the light. He hoped that the Representatives of the City and of the City Companies would show that they did not prefer darkness to light, but would support the Motion, and that it would also receive the support of the Government. Hon. Members on this side of the House would be only acting consistently with

the principles the Liberal Party had advocated during past Parliaments in joining in the demand for inquiry made by his hon. Friend.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Return setting forth in detail a Statement of the real and personal property vested in the City of London Companies respectively; also a detailed Statement of the charities payable by such Companies and of the income derived from all sources; and Statement of expenditure and receipts during the last three years preceding the 1st day of January 1875."—(*Mr. James.*)

THE LORD MAYOR (*Mr. Alderman Cotton*) said, he could have wished that the defence of the Guilds of the City of London would have been undertaken by a more competent man; but knowing, as he did, the important work which those Guilds had done from time immemorial, he should earnestly raise his voice to enlist the sympathies of the House against the Resolution which had been proposed by the hon. Member for Gateshead, and which he considered to be entirely unnecessary and inexpedient. The City Guilds had been established by a time-honoured class, who associated themselves together for the purpose of protecting their trades and interests against the all-powerful influence of the Barons and the King. As time went on their wealth increased, and as it did the cupidity of the ruling powers for the time being was aroused, and it was in consideration of the wealth they handed over to the Monarch that they obtained sundry charters to protect their rights. Now, if a man bought an article it was only a thoroughly English feeling that he should possess, and, if he wished, retain it. Well, the City Companies and Guilds bought all the rights which they possessed. They never received a penny of the public money or of the money of the ratepayers. The whole of the money they possessed was their own. They did what every public body had a right to do. They did what they thought was wise and proper and right to strengthen their own position; and with that view they had obtained the charters from the Monarchs who were willing to sell them. The hon. Member for Gateshead had given very scanty praise to the works of

the City Companies and the Guilds. He would ask the House to separate the case of the Corporation of London, which had its own battles to fight, from that of the Guilds, which stood on their own grounds. If hon. Members made themselves acquainted with the history of the City Guilds, they would know what was due to them for the education, the liberties, and the privileges which the country now enjoyed. He knew of no body of men, no body of trustees, who through a long course of four or five centuries had so honestly, so honourably, or so carefully cultivated the various trusts which different persons had committed to their care. It was important to know that when the Charity Commission was created about 25 years ago, and when they went to the City Halls and examined the deeds which were submitted to them no serious charge was brought against the 89 Companies. At that time accounts were rendered to the Charity Commissioners, and every trust which they possessed was now in the hands of those Commissioners, entirely out of their own supervision. No new scheme could be promoted without their consent, and their annual accounts were most faithfully reported to the body. The City Companies submitted cheerfully to the demands made upon them, and rendered a faithful account of their stewardship. Notwithstanding the way in which the Companies had managed their affairs various mixed trusts had been created which had been accepted and acted upon with perfect unanimity. By this means some expense had been put upon the Companies in the shape of payments for clerks and other officers for the duties which they had to perform. They looked to the other part of their property as private property; but before entering upon that point he would mention the amount which had been placed under the supervision of the Charity Commissioners. Their total gross income was, in 1865-6, £99,000 a-year. The Government were in a position to lay the subsequent accounts upon the Table of the House. Of that sum, they expended upon education £19,000; on apprenticeship, £5,600; for endowment of clergymen, £900; for almshouses, £53,900; in sundries, £1,660; and under the head of parishes, schools, &c., £17,900 per annum. Now, that was a very large sum to have been brought down through

Mr. Kay-Shuttleworth

the dark ages and placed in the hands of Commissioners appointed by Parliament, and they felt that any interference with the property of the Guilds would be a direct attack upon private property. Their property was as much private property as that of any individual in that House. Why did that attack arise? What could be its object? They had no knowledge of what was the object, what alterations were proposed, or who had urged on the hon. Member to bring forward this Motion. He would remind the House that it was the easiest thing in the world, and one of the most pleasurable, to endeavour to become great by putting one's hand in other people's pockets, and if one could by any accident obtain a notoriety which under no other circumstances could be got, there was nothing like attacking bodies where there was supposed to be a very large amount of money. There was one remark of the hon. Member for Gateshead which showed that he did not understand the question with which he was dealing—namely, when he spoke of City Guilds pocketing the funds over which they had control. [Mr. JAMES said, the remark in question was a quotation and referred to a particular case.] Then all he could say was that the quotation was a very unfortunate one, for the City Guilds never did that. They were, he could assure him and the House, composed of men of men of honour, integrity, and respectability who had not the slightest desire to take anything to which they were not fairly entitled, and the whole of the property under their control was watched over most carefully and sedulously and appropriated to some good work or another in the way of technical education, charities, or any other object which might happen to come before them. It was only the other day, for instance, that the Grocer's Company had built at its own cost a very noble wing to the London Hospital, providing it with beds and all other necessary appliances. He could assure the House that the Guilds were all anxious to promote acts of charity, and that they were actuated by no selfish or avaricious motives. He should like, with the permission of the House, to read the opinion which had been formed of them by a man who lived nearly 100 years ago, and who in terse, old-fashioned, and truthful language, spoke of their charters as "the great

bonds of the City, conferring liberty and security." They had been the cause, he added, of "the wonderful extension of the commerce of Britain which stood unrivalled," while "they did not militate against the general good or favour monopoly." Further on the same writer said—

"However great the privileges of the citizens of London may be, those rights have been the effects of purchase on their parts rather than of the munificence of Monarchs."

At elections he described them as possessing "integrity and honour," and as being free from all sordid motives, adding, that if they did not always send Members to the House of Commons from their own body who were equal in point of oratory to some other Members of the British Senate, they, at all events, returned as their Representatives men who were actuated by an honest desire to serve their country. The writer further observed that the citizens of London were industrious, persevering, honest, and the first traders in the world. ["Name!"] He was quoting from the work of the compiler of the charters of the Corporation of the City, and was it right, he would now ask, that these citizens should be attacked because they had grown wealthy, like the whole country around them? Had not these Guilds concentrated around them the commerce and the wealth that had made the City so great? Had they not always been the pioneers of education? Had they not increased the value of their own property? And was this not an attack on the rights of property which that House would reject by a triumphant majority? If the House did so, as he believed it would, it would only be doing an act of justice to the long past career of these institutions, and would be affirming their corporate rights, and in that way help to advance the cause of charity, the well-being of their fellow-citizens, and the general good of the country.

SIR GEORGE BOWYER must say that he had never heard a weaker case than that which had been brought forward by the hon. Member for Gateshead (Mr. James) in support of a Motion which was, he believed, unprecedented in the annals of the House. He gave an interesting, antiquarian, and historical account of those Guilds, but what had

he made out? Did he show that there was any gross abuse requiring the interference of Parliament, or anything wrong in the management of the property which the ordinary Courts were not in a position to reach? Did he mean to say that the Guilds were not as able now as in former times to perform their functions? Of course, the Grocers did not exercise their jurisdiction over peppers and sugars, or the Stationers over the character of the books on sale; but to charge them with not doing such things was simply to say that what was useful in the days of the Plantagenets was not useful now. The property of these Companies was in no respect different from private property. If a private person held property subject to certain duties, then he was amenable to the law for the performance of those duties; but if he possessed property without any specific duties attached to it, that property could be dealt with as he pleased. It was just the same in point of law with corporations. The hon. Member had moved for an Address to the Crown calling for a Return of the property of the charities forming the subject-matter of his Motion. This was not only proposing an inquisitorial proceeding, but it was calling upon the Crown to do an unconstitutional act. There had been *quo warranto* Commissions to inquire into the affairs of public bodies; but they were always considered a great invasion of the liberties of the subject, and of the rights of property. But suppose such a Commission was issued, what power was there to enforce it? The Companies would refuse any information, and they would be right in their refusal; for if they did not stand on their legitimate rights and resist an unconstitutional excess of the Prerogative of the Crown, whether advised by this House or not, they would be false to their duty as Englishmen, they would betray the rights of the people, and would be establishing a precedent which might be most injurious to the public liberty. In the second part of the Motion the hon. Gentleman asked for a Return of the charities payable by the Companies. This, again, was an illegal demand, as put in the Motion, because all the charities were under the control of the Charity Commissioners, who alone had the right to make any inquiries on the subject. On the whole,

Sir George Bowyer

therefore, he hoped the Motion would be rejected by a large majority.

MR. GLADSTONE: I do not propose to detain the House for any length upon this occasion. It appears to me that my hon. Friend has made a Motion by which he has sown a seed of which I hope he will live to reap the harvest at a future day. The hon. Baronet who has just sat down says he never heard a weaker case. I have sat a good deal longer in Parliament than he has, and I doubt if I ever heard a stronger one. But, however that may be, I think my hon. Friend has himself recognized the fact that the circumstances under which he makes his Motion are not altogether propitious for its obtaining a favourable judgment. There is, I must say, another point which occurs to me, which renders it difficult for the House to adopt a Motion in this form. My hon. Friend prays for an Address to the Crown to obtain certain information from the London Companies. Now, the Crown, I apprehend, has no power to obtain that information, and I own that I [for one agree on that point with the hon. Gentleman who has just sat down, for I have been myself a party to the issue of Royal Commissions where the Crown had no power to enforce the rendering of the information sought to be obtained. But that has always been in cases where the bodies to whom Commissions were addressed—namely, the governing bodies of public schools and Universities—were known from previous inquiries to be willing that that method of procedure should be adopted. I think there would be great inconvenience in asking the Crown, even if the Crown were willing, to issue a Commission *in invitum*, which, according to my idea, it has no power to enforce, either by the use of the Prerogative, which has nothing to do with the matter, or by any other means. As regards the substance of the Motion of my hon. Friend, I confess it is to me a matter of very great regret that there should be the reluctance declared by the Lord Mayor on the part of the Companies to deal with this subject. I believe with the Lord Mayor that these Companies are composed of men, as he has assured us eight or ten times over—and really it appeared to me to indicate a doubt on the part of the Lord Mayor that he thought it necessary to reiterate that so

many times, and from so many sources of assurance—are composed of honest, honourable, and respectable men. Now, he seems to think that that is a matter of so much dispute that it requires a great number of assertions on his part to make good his ground. For my part, on a single assertion on the part of the Lord Mayor, or without a single assertion, I should fully accede to that proposition. I fully believe in their honesty and honour, and in their doing many things which are useful. On the other hand, the doctrine that these corporations hold property which is to be regarded as private property in respect to its rights and immunities, is a doctrine which I thought pretty well disposed of by Parliament and by the judgments of statesmen and Representatives of the people for not less than the last 30 or 40 years. That doctrine has been revived upon the present occasion, and I must own in a form—and we must distinguish the form from the substance—which I think it would be very difficult to press. We must distinguish what I conceive to be the true as against the untrue. It is not necessary, I think, to hold that the gentlemen composing these Companies are in any way disentitled to the character of honourable men; nor is it necessary to hold that all their actions are bad, and that all their property is wasted. What my hon. Friend has shown is, that these are bodies possessing a public character, holding vast masses of property, and not only so, but that in the particular case of the London Companies they are not able to set up those very shadowy claims to exemption from Parliamentary jurisdiction which might perhaps be set up in the case of other corporations, because these London Companies exercise a most direct and commanding influence over the whole constitution of the municipality of London, and these principles and powers, public in the highest sense, are exercised by these bodies for whom the right hon. Gentleman asks us to recognize the rights to private property. Now I believe, in principle, that they are open to the exercise of Parliamentary jurisdiction and authority. I likewise believe that, although many things are done by them that are good and desirable, although sometimes the world is delighted, and perhaps a little astonished, by a splendid example of judicious mu-

nificence, something like that of the building of the new wing of the London Hospital by the Grocers' Company—which the Lord Mayor appropriately and wisely quoted—yet I, for one, am under a very strong impression that much of the revenue of these Companies is positively and utterly wasted, and very imperfectly and doubtfully bestowed. I put it boldly to the right hon. Gentleman and his supporters—not in support of this Motion, because I do not think the Crown ought to be invited to undertake a function which it is not constitutionally empowered to carry through—that I do think it a matter for the deepest regret that this reserve should be maintained. The public character of these Companies it is altogether too late to dispute. The right hon. Gentleman (the Lord Mayor) was compelled to begin by asking us to do that which no person, I think, in endeavouring to argue this case could dream of doing—namely, to separate completely between the character of the Companies as holders of vast masses of property, and the characters of the Companies as invested with the most important powers and powerful privileges in regard to the government of the City of London. The right hon. Gentleman found it essential to his case that he should entirely put out of view that the Companies command in a great degree the government, and even the representation in Parliament, of the City of London. In the very highest sense these are public bodies. Depend upon it, it is for their interests that they should not wait to be forced, that they should not wait to be pressed. It is all very well in the present state of things, in the present state of public sentiment, and in the present balance of parties in this House, for the right hon. Gentleman to hold the language that he has held to-day. It is perfectly possible there may be a majority, and perhaps a large majority, ready to back him in the use of that language; but can he guarantee the permanence of that balance of parties? Can he guarantee that that state of public opinion will endure? Because, unless he can, depend upon it it will be dangerous if, when that balance is changed, and when that state of public opinion is changed, it is recollected that an obstinate, an unflinching, and what may then be called, pro-

bably, an unreasonable resistance was offered—not to unjust or violent legislation, not even to proposals of a questionable character, but to the simple publication of the facts of the case with regard to the disposal of this vast mass of property. Now, Sir, I agree with my hon. Friend, I think, in almost everything that fell from him, but especially in the broad declaration he made that he had no desire to get rid of these Companies. On the contrary, my desire, and my anxious desire, is, that these Companies should be brought to the highest state of efficiency, and that their vast property should be disposed in the manner most likely to produce the greatest public advantage—but to produce that greatest public advantage through their machinery and by their hands. That is what, I think, my hon. Friend desires, and that is what I believe the House almost unanimously desires. If this policy of unequivocal and uncompromising resistance, even to the disclosure of information, be pursued too far, the time may come when possibly reforms may advance, not only with a bolder front, but with very different objects, and when the very great inconvenience of applying these large funds for the benefit of the City of London otherwise than through the machinery of the Companies—instead of being as it now is, an idle and remote speculation—may become a real danger. I hope that the right hon. Gentleman, and those who think with him and act with him, will do nothing to provoke that danger. I cannot expect that any address that I may make to him or to others will at all tend to produce a more communicative disposition on the part of the Guilds; but, notwithstanding, I think it is a public duty on our part to lay down the doctrine that a declaration of their affairs—they being, as we believe, perfectly honest and honourable in the administration of these funds—can be nothing but beneficial to them, while the refusal of the information can be nothing but injurious. I know not what Her Majesty's Government may intend or propose to do in respect to the Motion that is now before the House; but I shall certainly be very much disappointed even if Her Majesty's Government—little as I agree with them in the views they take in many points upon public affairs—do not go so far at least in the same path as my hon. Friend

as to express a disposition favourable to the free and voluntary production of this information. The information sooner or later must be had. Now is the time when, if it is given, it will be given as an act of grace. I entreat those who are concerned to consider whether to pursue the course that is now recommended, and to grant that information by their own voluntary concession will not be the wisest and most politic course for themselves with reference to the interests of which they are stewards and guardians.

MR. GOLDNEY altogether differed from the notion of the right hon. Gentleman that these Companies were public bodies. The Corporations Commission of 1837 had showed that the City Companies had no control either as regarded municipal institutions or Parliamentary representation. Their duty was merely ministerial—that of admitting to their body freemen who were entitled to claim admission. The gentlemen by whom their affairs were administered were of the highest possible character, and there was a feeling of strong anxiety that they should be left alone.

SIR CHARLES W. DILKE was struck by the fact that the hon. Gentleman who had just sat down had pronounced a glowing eulogy upon the gentlemen who had managed and directed those Guilds. As for the Lord Mayor's speech, that brought to his recollection the character which was given to George Barnwell, who was modest, tender, regular, pious, and devout. The character of the gentlemen belonging to the Guilds had never been called in question. It simply confused the issue to represent for a moment that the supporters of the Motion threw any doubt whatever upon their characters. He himself knew many of these gentlemen, and he could testify that they were men against whose character not one word could be uttered. Nay more, he was willing to admit that in many cases they had made a good use of their funds. The Lord Mayor contended that one reason why they should be exempt from inquiry by the House was that £90,000 or £100,000 a-year was brought by them under the jurisdiction of the Charity Commissioners. But the hon. Member for Gateshead (Mr. James) had shown that their property in the City alone amounted to £500,000 a-year, and there would

Mr. Gladstone

therefore be £400,000 a-year, even if they had no other property, which they devoted to some use not explained. The Lord Mayor in his statement with regard to these Companies did not once allude to the item of hospitality. The right hon. Member for Greenwich (Mr. Gladstone) had urged the hon. Member not to press his Motion, because the House had no power to compel these Companies to give the information asked for, and had said that during all the time he was in office he had never been a party to issuing a Commission *in invitoe*—

MR. GLADSTONE: I distinctly said I had been a party to issuing certain Commissions; but no Commission of the Crown had been issued *in invitoe*, and that is a very wide distinction.

SIR CHARLES W. DILKE said, in 1835 a large number of municipal corporations refused to give information to the Commissioners of Inquiry, but that fact did not prevent the House from proceeding to deal with those corporations after an inquiry had been held. It should be borne in mind that the Motion did not propose legislation, but merely asked for information. The Lord Mayor stated that the City Companies had bought their privileges from the Crown; but it was clear to all who read the charters which they had obtained that they had reference to the performance of public duties by those to whom they were granted. The performance of those duties had confessedly fallen into disuse, and what they now contended was that the House ought to know the growth of the vast revenues which were held for public uses. There was now a great outcry for technical education, and it was most desirable that a portion of the income of these Companies, which amounted to between £500,000 and £1,000,000, should be applied to the promotion of technical and general education. It had always been held on that side of the House, and was now held by many Members on the Conservative side, that public bodies could not hold land except for public purposes, and on several occasions the present Home Secretary had used language which went far to support that view. For his own part, he should be prepared to go further, and contend that even as regarded property for general corporate purposes, and regarded charitable purposes, ~~the~~ **these** were charities within

the very wide definition of the Act of Elizabeth. That Act, he believed, intended to include property of this kind, although he believed the Charity Commissioners took a narrower view.

MR. ASSHETON CROSS said, it was not his intention to trouble the House at any length, especially after the turn which the debate had taken. No one had a higher respect than he had for the great Corporation of the City of London, and for all the great advantages which the country had derived from it through past generations in respect to liberty and freedom. No one had a higher idea than he had of the important position which the City would, he hoped, long fill in this country, going on in the same path as it had hitherto done, flourishing and to flourish for the benefit of the community. He was bound to say, in considering any matter relating to the City of London, and the Guilds connected with that City, that he did not think sufficient attention was always paid to the magnitude of the body with which they had to deal. Since he had held his present office he had had schemes and plans laid before him by the handful for the reform of the Corporation of the City, not only as to its property, but as to the Corporation itself, for the total remodelling of it from one end to the other, and also for what was called enlarging it; and he was sure that a great many of the persons who had brought forward those schemes had not given the subject the amount of attention which it deserved. He was not now referring to the noble Lord the Member for Haddingtonshire (Lord Elcho), on whose proposals he presumed they would have a discussion this Session, and who had devoted much consideration to the matter, but many of the plans that had been placed before him clearly showed that their authors had not carefully weighed their proposals in the balance. In the first place, if anything was to be done in a matter of this magnitude, it ought, he thought, to be brought forward by the Government of the day. Again, if bodies, whether they had property or not, were fairly carrying out their duties—he did not say so fully as might be wished, but without any very grievous default—they ought not to be disturbed, unless it was intended not only to disturb them, but to go on and do something more. The

Government had no such intention at that moment, and he certainly did not think the House ought to grant a fishing inquiry as to the property of bodies of that kind. That subject had been inquired into long ago. In the Report of the Commissioners of 1837 there was a great mass of information relating to all those bodies, though he did not mean to say that information was full; and before the Commission a great number of those bodies tendered not only their charters and their history, but also their accounts. He had listened carefully to the hon. Member who had made the present Motion to learn whether, as regarded the Companies which then produced their accounts, there were any grave charges to be alleged as to the way in which they had administered their property; and he thought before any steps could be taken in such a serious matter it would be necessary to adduce much more elaborate statements than those which fell from the hon. Member, and also to make out a much stronger case than he had submitted to them for the interference of the House. But the main reason why he rose to object to that Motion had been anticipated by the right hon. Member for Greenwich (Mr. Gladstone). If the House would look carefully at the Motion, they would see that it was for an Address to the Crown, asking it to do that which it was absolutely impossible for the Crown to do. It might be said that he had taken part in regard to the issue of a Commission for an inquiry into certain other Corporations; but it would be recollected that that other inquiry had reference to bodies with licensing duties, though some other matters were also thrown in. He was sure, then, that it would be the feeling of the vast majority of the House that the hon. Member ought not to press his Motion to a division. He really did not see that any practical good would come from it, neither did he think the matter was one that should be stirred in that way. If, therefore, he might presume to tender advice to the hon. Member for Gateshead, he would recommend him to allow his Motion to be withdrawn.

MR. NEWDEGATE: Sir, I am most anxious, since I have proposed inquiries, to state why I cannot think of supporting this Motion. I cannot, be-

cause I have seen from the outset of the hon. Member for Gateshead's statement that his Motion is deficient of foundation on any valid public grounds. It has not been shown that the existence of these Companies, holding their property under charter, is contrary to the public welfare or to the public policy of the nation. It has not been shown that there is anything in their position otherwise than consistent with public freedom. It has not been shown that their existence is in any sense illegal. On the contrary, whenever their charters have been in question they have been maintained in the Courts of Law. I wish for one moment to advert to the speech of the right hon. Gentleman the Member for Greenwich. The right hon. Gentleman seemed to proceed upon the assumption that no property ought to be held sacred, the details of the administration of which are not brought under the direct purview of Parliament. Why, Sir, that is a most oppressive doctrine. Are we about to tell the Peers that, because they derive their qualifications from their properties, therefore they are bound to disclose their private administration of those properties, because the possession of these properties constitutes their qualification? And are we about to say, with regard to these public Companies, who have held their properties under charter for centuries—properties which are essentially their own—that they shall be necessarily subject to a rule which you will not apply to Peers? This is a most oppressive doctrine, and it goes to a most dangerous extent. The possession of the property by these Companies constitutes the qualification of their members to vote for the City of London, and I say that Parliament has no right to inquire into the administration of the property which constitutes that qualification unless abuse, and gross abuse, has been proved. I say that a qualification by property is in itself no abuse, and that these qualifications lie at the very foundation of the greatness of the Corporation of the City of London. It appears to me that if this system of universal inquiry and publicity is necessitated, it comes to this—that no property shall be held safe except such as may be administered under the direct supervision of Parliament. This would constitute a most egregious invasion of

private rights; and in this particular case it would be a direct invasion of the foundation of self-government. These grave considerations appear to me to have been totally overlooked in this debate; but they ought to be overcome before this, as one of the two Houses of Parliament is asked to proceed by an Address, with which, as now proposed, the Crown could only comply by threatening the revocation of all these charters, and thus at once to invade the rights of private property, which the Crown itself has created. I hope the House will excuse my having in these few words expressed my opinion that this Motion, as well as some others which have recently been made in this House, lacks those public grounds—proofs of necessity for the public good—without which inquiry, as it is called, becomes an invasion of property and an act of tyranny.

MR. PEASE recommended the withdrawal of the Motion, but intimated that if the Government refused to deal with the question, private Members who were interested in it would have no alternative but to bring it forward again and press it at some future time.

Motion, by leave, *withdrawn*.

EAST INDIA (CHIEF JUSTICES OF HIGH COURTS) BILL—[BILL 98.]

(*Sir George Campbell, Sir George Balfour, Mr. Kinnaird.*)

SECOND READING.

Order for Second Reading read.

SIR GEORGE CAMPBELL, in moving that the Bill be now read a second time, said, that although it might appear to be a small measure in itself, it was one which largely affected the interests of the great mass of the people of India, inasmuch as it might materially modify the whole character of the Judicial Service. The existing Act, which established the High Courts of Justice in that country in 1862, contained a clause providing that the Judges should be chosen from three classes of persons who had qualifications—namely, the Civil Servants of the East India Company, barristers, and persons of other qualifications; but that the Chief Justice must be taken from one class only—namely, barristers. The present Bill sought to amend that clause by

providing that the office of Chief Justice should be open to all the Judges, so that the man who showed himself the best man might be promoted, even if he were not a barrister.

LOCAL GOVERNMENT PROVISIONAL ORDERS, ABERAVON, &c. (NO. 7) BILL.

On Motion of Mr. SALT, Bill to confirm certain Provisional Orders of the Local Government Board relating to the boroughs of Aberavon, Andover, Brighton, and Burnley, the districts of Merthyr Tydvil and Pensarn, the rural sanitary district of the Tadcaster Union, and the borough of Truro, *ordered* to be brought in by Mr. SALT and Mr. SCLATER-BOOTH.

PUBLIC HEALTH (SCOTLAND) PROVISIONAL ORDER (WEMYSS) BILL.

On Motion of The LORD ADVOCATE, Bill to confirm a Provisional Order under "The Public Health (Scotland) Act, 1867," relating to the parish of Wemyss, in the county of Fife, *ordered* to be brought in by The LORD ADVOCATE and Mr. Secretary Cross.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at half after
Seven o'clock.

HOUSE OF COMMONS,

Wednesday, 24th May, 1876.

MINUTES.]—WAYS AND MEANS—*considered in Committee—Resolution [May 22] reported.*

PUBLIC BILLS — *Ordered — First Reading — Consolidated Fund (£11,000,000)*; Cruelty to Animals* [168]; Burghs (Division into Wards) (Scotland) Amendment* [166]; Nul-lum Tempus (Ireland)* [167].*

First Reading—Local Government Provisional Orders, Aberavon, &c. (No. 7) [164]; Public Health (Scotland) Provisional Order (Wemyss)* [165]; Criminal Law (Evidence) Amendment Bill [61], debate adjourned.*

Second Reading—Wild Fowl Preservation [42]. Committee—Irish Peerage [149]—R.P.; Coroners (Dublin) (re-comm.) [152]—R.P.*

Withdrawn—Employers Liability for Injury [15].

EMPLOYERS LIABILITY FOR INJURY BILL.—[BILL 15.]

(*Mr. Macdonald, Dr. Cameron, Mr. Meldon, Mr. Bass.*)

SECOND READING.

Order for Second Reading read.

MR. MACDONALD said, that in moving that this Bill be now read the

second time, he would endeavour to prove that the law on this subject as it now stood was unjust to the great body of the people and unequal in its operation towards workmen, and therefore that it was calculated to produce not an active diligence on the part of the employers in obtaining the best skilled men in carrying on their works, but the reverse. The principle of liability was an old one and manifestly just; it was this—That if one individual injured another, the person injured had a right to claim damages for the injury which had been done to him; and it was also this—That if a person employed another person to do a certain work which he ought to do himself, and the employed person was injured, the employer was responsible for the injury done to that person who had become his *alter ego*. That used to be law. Now, however, according to recent decisions, managers might be employed by masters to superintend works of a very extensive kind, and though injuries might be suffered by some of the *employés* the employers were not responsible, it having been held that every person employed by a master was a fellow-servant, and that, therefore, liability in regard to civil injuries was out of the question. But that law was a recent interpretation: it was not, he contended, founded upon any statute, but was to be found in the accumulated opinions of Judges—or it was, in other words, Judge-made law. It was first heard of in 1837, in the case of “*Priestley v. Fowler*.” The plaintiff was a servant of the defendant, and while in his service he was injured. He brought an action to recover damages—but Lord Abinger held it to be the law that for an injury sustained through the fault of a fellow-servant the employer was not responsible. It then appeared for the first time that risk was a portion of the workman’s contract. The country had not long to wait before other cases cropped up of a similar character, and as these decisions went each took a wider range than those which had gone before—that, indeed, and the doctrine took equal hold of the English and the American Bench. Now, up to the year 1856 the law of Scotland was that an employer was liable for the action of one servant towards another—and no doubt during the debate they would be told so authoritatively. There were numberless

cases recorded of that description: one case in particular, to which he wished to refer in justification of his Bill, was that of Read and M’Guire against the Bartonhill Colliery Company, in the county of Lanark. Read and M’Guire were two pitmen, and there was an engineman named Lindsay. The duty of the engineman was to lift the workmen up and down. On one occasion he failed to stop the engine when he should. The men were carried over the head-gear; the men fell down the shaft and were killed. The widows brought an action against the company for damages. Up to that time damages were granted in all such cases in Scotland, and in the case of both men damages were awarded by the jury at the Court of Session. Afterwards the matter went to the Inner Division of the Court of Session, and then an appeal was made from their judgment to the House of Lords. In 1857 the case came before Parliament, when the House of Lords reversed the ordinary law of Scotland, for it was found that Lindsay was a fellow-workman of the two men, that Read and M’Guire had entered into a common employment, and that that common employment was a common risk. That decision startled the entire population of Scotland, who took an interest in the question. If Read and M’Guire had desired to injure Lindsay, they could only have done so by entering the engine-house. Undoubtedly there was a community of employment, but there was certainly no community of risk. Then there was the case of *Wilson v. Merry & Cuninghame*, wherein the defendants were ironworkers and coal masters, carrying on business in three Scotch counties and in Ireland. One of their works was known as the Woodhall Colliery. There worked at them a young man named Wilson. The supposed manager was a person named Neach, who said to Wilson—“I am the manager of another colliery; if you go there you will find better and more profitable employment.” Before Wilson entered upon his work, before he even went to the place, Neach had directed that a scaffold should be laid across the shaft. To a certain extent that was done; but a portion of the scaffolding was left open, through which the ventilation came up. When the young man was going down the fire damp came up; there was an explosion, the young man fell to the bottom,

and was killed. The mother believed that she was entitled to compensation for the loss of her son. An action was brought against the company at the quarter sessions. The case went before a jury, and a verdict was found after three days' trial, with £300 damages. The case went a second time before a jury, and again there was a verdict. Then there was an appeal to the House of Lords. The case was considered on the 20th May 1868, when the House found that Neach was simply a fellow-workman, and that Robson, a partner of the firm, was the manager of the colliery. He did not see the Lord Advocate in his place. The right hon. Gentleman acted as counsel for the poor widow on that occasion, and he (Mr. Macdonald) could appeal to the Lord Advocate in regard to the facts of the case. That case quite disposed of the principle of liability—one man might be appointed to be the manager of mines in three counties, he might be appointed manager of all the mines in England, and being regarded as a fellow-workman with all the men employed in all these mines, all security for life and limb would be at an end, and the workmen would have no legal claim against their employers for negligence committed by the nominal manager. It was against these decisions that the workmen of this country so strongly complained, and the Bill he now asked the House to read a second time was intended to meet this injustice. The Home Secretary had stated on another occasion that this Bill was not well drafted; but it should be recollected that the Bill dealt only with a principle—it was not the duty of those who supported it to lay down what exceptions there should be from it. If that had been attempted some would have said that the exceptions did not go far enough, while others would have said that they went too far. Therefore, the Bill avoided all exceptions, but if any hon. Member thought that any class ought to be excepted, he could come forward and argue the question in Committee. The Bill, he ventured to say, was in its present shape unassailable. It had been before some of the most eminent jurists of the country, and they had declared that it was adequate to amend the law, and was, in fact, what the present state of the law demanded. He had intended to keep clear in his argument from allusion to

any particular class of persons; but he was compelled to alter his course in this respect, in consequence of what had occurred last week on occasion of a deputation to the Home Secretary, who made a statement to the right hon. Gentleman that the Bill struck at one interest and one class of persons—the impression sought to be conveyed being that it would place the mine-owning interests in a position of danger, forasmuch as that the disasters in mines were owing not to the carelessness or mismanagement of the owners, but to the recklessness of the workmen. He challenged the mine-owners to substantiate that assertion; and he would meet it by the declaration that if the law were properly carried out, if the mines were properly ventilated, there would be no explosive gases to ignite, and consequently it would be impossible for the most reckless workman to bring about an explosion. While these conditions were neglected every explosion was a crime, and those who permitted a state of things to exist which made an explosion possible were morally guilty of a crime. Then why should not employers be held liable for the default of their managers and those left in charge of their works? Works in this country were not carried on upon the ground of philanthropy, but for gain; and he contended that the argument that if this Bill should be passed it would prevent capital being embarked in various trades and works had no foundation in fact. This was the first time that the question had come before the House of Commons in the shape of a Bill, and therefore the first time that hon. Members had been called upon to vote on it. He had no doubt that the power and weight of the Government would be brought to bear against the Bill, and it was likely that that majority which was in their hands would throw it out, but he reminded the House that though they could reject the measure, yet the question was one which must sooner or later be settled; and now was the best time to settle it. Every village depopulated and every railway accident caused more petitions to be sent to that House against the present state of the law; and, therefore, he trusted that it would be amended. He begged to move the second reading of the Bill, and to thank the House for the courtesy which had been shown to him.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Macdonald.*)

THE ATTORNEY GENERAL said, he thought it right to intervene thus early in the debate, because it appeared to him that the question before the House being essentially a legal one, it would facilitate the discussion on the Bill if he were to state what the actual state of the law on the subject was. The hon. Member (*Mr. Macdonald*), perhaps naturally, had spoken rather warmly on the subject of his Bill—no one would blame him for that; but he had, at the same time, indulged in many arguments in support of his measure which were, perhaps, not quite germane to the question. The hon. Member had with perfect accuracy said that the owners of mines were bound to keep their mines free from explosive gases, and that if the mines were altogether free from such gases no explosion could occur. He quite acquiesced in the remark; the mine-owners were, under the present law, under the obligation to take the necessary precautions to secure the absence of gases, and if they failed to obey the law in that respect they would be liable; but he could not see that there was anything in the hon. Member's Bill which would impose upon them any additional liability in that direction. The question which the House had to consider was, whether it would be expedient to make the very sweeping changes in the law which the hon. Member proposed to introduce. Let them consider what was the law with respect to masters and employers of labour at the present time. As the law now stood, employers of labour were liable to the utmost farthing of their fortune in damages for accidents which might happen in consequence of the negligence of their servants, whilst those servants were in course of carrying out the ordinary duties of their employment—that was to say, in regard to those who were not in the same employment—and a very onerous and severe obligation this imposed upon masters. He would take as an instance the case of a greengrocer who happened to have a horse and cart in which he sent out the vegetables. Suppose his servant, whilst out with the cart, negligently ran over some one in the street, who was seriously injured.

The damages that resulted might be very heavy. This would be a very serious thing, but he did not complain of it, for it might be right and just that masters should pay to the utmost farthing for damages occasioned by their servants. But the matter stood on a different footing when they came to the question of liability of masters for damages occasioned to servants by the negligence of fellow-servants. But it would be an erroneous conclusion were the House to assume that the servants of employers were altogether without protection. A master was in the first place bound to see that the machinery employed in the business in which his servants were engaged was suitable for the purpose. If the machinery was defective, or rotten, or unfenced where it ought to be fenced, he would be liable for all the consequences of his neglect. He was bound to take every reasonable care to insure that proper and fit servants were engaged as his workmen. If he failed in these matters he would be held liable without the aid of this Bill. The question was, whether the liability of the master should be carried still further. What the Bill proposed was simply this—that whenever an accident happened to a person in the employ of a master in consequence—not of any neglect on the part of a master to obey the requirements of an Act of Parliament or to insure the engagement of competent servants, but in consequence of the negligence of a fellow-servant, the master should be liable for the damages that ensued. Was that a reasonable or just proposition? Take the case of a mine. Assume that the master had done all in his power to insure that the machinery was fit, that intelligent and careful servants were engaged, and that he had obeyed all the injunctions of the Act of Parliament. In consequence of excavations that were going on in the mine some reservoir of gas was laid bare; some workman reckless of his own life and of the lives of those associated with him in the mine took a light to the place where the work was going on; an explosion occurred, and 20, 30, 40, or 50 people met with their death. According to this Bill the master would be responsible for the damages that ensued. Assume that 50 colliers were killed, and that they had been employed at good wages—£2 a-

week, or, perhaps, much more:—there would be, perhaps, 50 families to provide for. It was difficult to know on what principle juries assessed compensation to the families of the deceased in such cases. Perhaps they did not act on any principle. If a man earned £2 a-week, it would not be outrageous to say that he spent £1 upon his family and kept £1 for himself. If the man was 30 or a little above 30 he might, but for the explosion, have gone on working 10, 20, or 30 years. Perhaps the jury multiplied the earnings that the family would have received by the number of years that the man would probably have been able to work. In each of the 50 cases of death which he (the Attorney General) had assumed, putting it at a moderate figure, the jury would assess the compensation at £500, and the master would be saddled with a liability altogether of £25,000. The law at present said it was not just to do that; and it said so for this reason—when a workman entered into an employment he knew what the risks of that employment were, and he knew that the risk would probably arise from the negligence of those associated with him in that employment. Those risks, and his knowledge with regard to them, formed part of the elements and bases of his contract. There were many dangers connected with mines, and miners got much higher wages than other operatives did. We had heard of miners who enjoyed all the luxuries of life, and whose favourite daily beverage was champagne. Miners got higher wages than the bulk of other operatives, perhaps because their work was very fatiguing and arduous, or perhaps because it was not a pleasant thing to labour in the bowels of the earth, or perhaps because their occupation was exceedingly dangerous and they were liable to suffer through the negligence of those with whom they worked. The law only prevented a servant from recovering against his master for injury in his employment when the injury arose through the negligence of a fellow-servant, and the reason of that prohibition was that the servant who had been injured was in a common employment with the servant through whose negligence the injury happened. As far as he (the Attorney General) could discover, the only way in which the law operated with severity upon the

servant was this—that it was very difficult for the Courts to define what was a common employment. Servants were often prevented, as the law now stood, from obtaining compensation for an accident which happened through the default of a man who could not be regarded as being in the position of a fellow-servant. For example, an accident might happen through the negligence of an overlooker or a manager, who was practically in the position of the master himself. As the law now stood, a servant in such a case might be unable to obtain compensation, because the overlooker or manager might be regarded as being in the position of a fellow-servant. He did not say that the matter was clear, because he knew there were *dicta* the other way; but there had been decisions in this country and in Scotland also which would go to that extent. Now, that to his mind was a hardship, and it would be well if that hardship were removed. But that was not the hardship dealt with by this Bill:—what the hon. Member proposed was to impose unheard-of liability upon the master, who was to be made responsible for every act of his servant. The design of the Bill was to introduce a most sweeping alteration in the law, which to his mind would work gross injustice. He was not sure whether it would not be right to have some inquiry into the subject—he was not speaking on behalf of the Government—but as the Bill would establish a mischievous principle he hoped the House would not allow it to be read a second time. It might be said that workmen desired such a measure as this. As far as he knew, they were not clamorous for it. He had the honour of representing a very large borough (Preston), where there were a great number of workmen engaged in almost every kind of perilous employment that could be conceived, and whenever they had a complaint, real or imaginary, which they thought should be remedied by an alteration of the law they generally appealed to him; but no appeal had been made to him on this matter. He thought some alteration in the direction he had mentioned might be made in the existing law so as to render it more just to the workman; but he did not think it would be right to give a second reading to the Bill.

MR. DODSON said, that there were cases in which the principle of “com-

mon employment," as laid down in "*Priestly v. Fowler*," had been lost sight of. The *rationale* was that a man in common employment with another should not have a remedy against the master in the event of an accident, because he had the fullest opportunity of judging of the capacity and character of his fellow workmen, and of considering what were the risks to which his employment exposed him. The present position of the law was well illustrated in a recent case of an accident on a railway. In the case of "*Waller v. the South-Eastern Railway Company*" it appeared that a train was thrown off the line through a defect at a particular point in the permanent way, and the guard was killed. The representatives of the guard sued the company for compensation; and it was held that the guard and the platelayer or foreman who had charge of the permanent way were in a common employment, and therefore that the guard had no claim to compensation. It appeared to him that in such a case the *rationale* of common employment altogether broke down. There was no more community between the guard and the platelayer than there was between the engineer who drove a train along a line and a clerk at a station who sold tickets to passengers. Unless by special means the guard could have had no knowledge of the capacity or conduct of the platelayer, and consequently could not guard himself against the risks of common employment. He thought a guard might in such circumstances be regarded as being in the position of a passenger, and have his remedy. He agreed with the Bill in this respect, that common employment as now interpreted should not be allowed as a defence against a claim upon a master for injury received by a servant in his employment. Considering the novelty of the subject and the advantage of its being thoroughly considered and discussed in the House, he was prepared to vote for the second reading of the Bill. If the House hesitated to go into a Committee of the Whole House upon the Bill, that was no reason for rejecting it on the second reading. Let the Bill be read a second time, and if the House was not prepared in its present state of information to discuss it in Committee of the Whole House, let it be referred to a Select Committee, and when the Report came from that Com-

mittee let the matter be discussed in the present or a future Session.

MR. FORSYTH said, the law was perfectly clear on the subject, although, in his opinion, the reason on which the decisions of Courts of Law proceeded was not altogether satisfactory. That reason was that the employment rested on contract. Now a contract was either express or implied. There certainly was no express contract, and it could only be implied on the ground that it was the general understanding that a person employed undertook to run the risk of injury from the negligence of a fellow-servant without seeking to make the master liable, or, in other words, that such was the law. The law imposed upon a master these liabilities. He must employ proper servants and proper material, and must do all in his power to render the employment of his servant safe and free from peril. The present law was in a most anomalous condition. If a man entered a shop and injured himself by stumbling over a bale of goods, or by falling into a hole, improperly left there by a servant of the shopkeeper he had a right of action; but if at a dinner party a basin of soup were thrown over his coat, or, still worse, over the dress of his wife, by a servant, he had no right of action against his host. If a dog worried a sheep the dog's master was liable, but if the dog worried a human being the master was not liable. Was it, however, reasonable to ask the master to do more than employ proper people and proper material for the purpose of effecting his object? How could he know when one of his servants would, in a moment of carelessness, commit an incautious act? If this Bill passed every employer who engaged a number of labourers would contract himself out of the Act, for he would before taking them make them sign a paper stating that they would not proceed against him in consequence of injuries sustained by them owing to the negligence of a fellow-servant. While he could not vote for the Bill he should like to see an inquiry into the whole subject.

DR. CAMERON, in supporting the second reading, said, he had heard it objected that the Bill was a measure of an extreme and almost revolutionary character, and one calculated to impose a most unfair and dangerous responsibility upon employers. To meet this

objection he would show that it merely proposed to substitute for the present law of fellow-servant, a legal presumption based on equity consistent with the national policy regarding other species of contract, and which the experience of Scotland proved to work well and satisfactorily. For what this Bill proposed to do was simply to place the contract between employers and employed on the basis on which, in Scotland at least, it stood until so late a period as 1858. Down to that period there could not be the slightest question that the law of Scotland, as universally interpreted by Scottish Judges, as to employers' liability for injuries, was precisely what the law of the United Kingdom would be if this Bill were to pass. Down to 1850, this was never disputed; but about that time the law as to the non-liability of employers for injuries sustained by one *employé* at the hands of his fellow having been prominently set forward in various judicial decisions in England, several cases were brought before the Scotch Courts, in which, founding upon these English decisions, it was attempted to upset what had, up to that time, been regarded as an incontrovertible principle of Scottish law. In the case of *Dixon v. Rankin* in 1852 an employer attempted to escape liability for the death of a man in his employ through the carelessness of his fellow-workman by pleading the English judgments on the subject, and arguing that they should govern the decision of the Court of Session. But Lord Cockburn said—

"The plea that the master is not liable rests solely on the authority of two or three very recent decisions of the English Courts. . . . If this be the law of England, I speak of it with all due respect, but it is most certainly not the law of Scotland. I defy any industry to produce a single decision or dictum or institutional indication or any trace of any authority to this effect, or of this tendency within the whole range of our law."

Another Judge pointed out that the difference arose entirely from the fiction which had become engrafted upon the English law of labour contracts, to the effect that every man who engaged in any employment contracted to undergo all the risks which the carelessness or incapacity of his fellow-workers might expose him to without recourse against his employer. What the law of Scot-

land was the Lord Justice Clerk explained thus—

"The law of Scotland as to the contract of service in regard to such matters is perfectly fixed, and admits of no doubt whatever. The master's primary obligation in every contract of service in which his workmen are employed in a hazardous and dangerous occupation, for his interest and profit is to provide for and attend to the safety of the men. That is his first and binding obligation, I should say paramount even to that of paying for their labour. In this obligation is equally included, as he cannot do everything himself, the duty to have all acts by others whom he employs done properly and carefully in order to avoid risk. The obligation to provide for the safety of the lives of his servants by fit machinery is not greater or more inherent in the contract than the obligation to provide for their safety from the acts done by others whom he also employs. . . . The recklessness of danger on the part of the men (said the Lord Justice Clerk) is a result of the trade in which the master employs them, and he is bound in all such cases to have such superintendence as will exclude all preventible risks."

Now this was very much the nature of the responsibility which the law imposed upon railway-companies when they contracted for a service in which the public might be exposed to danger. The law considered this responsibility necessary in the interests of public safety, and guarded it with such jealousy that it refused to allow a railway to contract itself out of it. Then as to the justice of the change proposed by this Bill. Here, again, he would quote the words of Lord Cockburn in the same case. He said—

"I have rarely come upon any principle that seems more irreconcilable than the English principle to general legal reason. I can conceive some reasons for exempting the employer from liability altogether, but not one for exempting him only when those who act for him injure one of themselves. It rather seems to me that these are the very persons who have the strongest claim upon him for reparation, because they incur damage on his account."

He thought that these strongly-expressed opinions of eminent Scottish Judges as to the superiority of what was then declared to be the law of Scotland—of what the Bill before the House proposed should become the law of the United Kingdom over that artificial exceptional legal presumption which had been imported into the English law of labour contracts—ought to carry great weight with the House. The law as declared in Scotland was, however, changed, or, more strictly speaking, declared to be

different from what Scotch jurists and Judges had ever conceived it to be, by the decision in the House of Lords in the case of the Bartonhill Coal Company *v.* Read—a case in which their Lordships' judgment concluded with this significant passage—

"The House would say nothing about costs, as the judgment of the Court below seemed to be fully warranted by the previous decisions in Scotland."

The case of mines had been especially relied upon as proving the injustice of this Bill. He (Dr. Cameron), however, maintained that it was in the case of mines that the greatest benefit would result from its adoption. There was not one mine accident in ten but could be avoided by proper precautions and vigilance. Government inspection could at best be but fitful and remittent: let, however, the mine-owner once understand that his responsibility for injuries to his workmen was put on the same footing as that of a railway towards its passengers, and the result would be to secure a more thorough and effective inspection of mines than would result from the expenditure from the National Exchequer of ten times the amount at present expended on mine inspection.

MR. HERMON, as an employer of labour, disclaimed any desire on the part of manufacturers to shirk any responsibility which fairly attached to them; and he could not recollect any case in which a master had repudiated his responsibility for the act of his overseer or manager. This Bill, however, in its present shape, was of the most sweeping character; and he hoped to hear in the course of the debate such expressions as would induce the hon. Member to leave the matter in the hands of the Government. There was nothing more injurious to trade and manufactures than piecemeal alteration of the law, and he suggested that a Royal Commission or a Committee of the House should be appointed to inquire into the subject, with a view to a general amendment of the law in those points in which it should appear to require amendment. He would illustrate the unlimited scope of the Bill as it stood by showing that it might be applied to domestic service, so that if through one maid-servant in a house carelessly leaving a pail on the stairs her fellow-servant fell over it and broke her leg, the em-

ployer of both would be made responsible. Much as he desired to see the law improved, he must oppose that measure in its present form; but he hoped the present discussion would prepare the way for a satisfactory solution of the question.

MR. SERJEANT SIMON said, the Bill would make a very sweeping change in the existing law—a change which he was sure the hon. Member for Stafford (Mr. Macdonald) never contemplated. Its effect would be this—If the chambermaid of the hon. Member were to put a fellow-servant into a damp bed, and the latter were thus to contract rheumatic fever, the hon. Member would be liable for the negligence of his servant. At the same time he admitted that the present state of the law was not satisfactory, and he was prepared to support the second reading in the hope that if the Bill went into Committee its provisions would be considerably limited. The doctrine of common employment had been pushed too far. There was a class of cases in which workmen were bound to obey the orders of the representative of the master—a representative who might be a competent person, but still might be negligent, and refuse to carry on the work in a proper manner—and, in such cases, though the workmen might suffer from the failings or negligence or refusal of such a man to provide what was necessary for carrying on the work, yet they had no remedy in the way of compensation for injuries so sustained, because they were in a common employ. That, surely, was not a proper state for the law to be in. It was a state of things which was not consonant with our common instincts and views of justice. The Lord Chief Justice of England had expressed himself strongly on the subject of the injustice of the existing state of the law in regard to cases of a similar character. In one case it was held that a clerk in the employ of a company, being sent by train on an errand of the Company had suffered from a collision, could not recover compensation because he and the engine-driver were in common employment. Other learned Judges had given similar judgments. Surely, it was the duty of the House to endeavour as far as possible to meet the just claims of a class of persons who were so much exposed to accidents. The Bill ought to

meet that class of cases—extending the liability of masters to cases of negligence on the part of persons representing them, and establishing some limitation of the doctrine of common employment. Though the Bill was faulty as it stood, he trusted that it might be allowed to go to a second reading, with the object of amending it in Committee;—particularly so as to limit it to cases in which it should appear that legislation was really necessary.

MR. KNOWLES said, he would support any measure the object of which was the moral and social welfare of the working classes, having been connected with them for many years; but he thought the Bill of the hon. Member for Stafford would prove mischievous and do great injury to them. The hon. Member for Stafford professed to speak as a practical man; all he (Mr. Knowles) could say was, that if his remarks were intended to illustrate his practical knowledge he knew very little. The cases quoted by the hon. Member occurred before the passing of the Mines Regulation Act. From his practical knowledge the hon. Member declared that where there was no gas there could be no explosion; but in a mine which was as free of gas as that House and with regard to which every care that human ingenuity could suggest was taken, the first stroke of the pick might liberate a great deal of gas. Did the hon. Member tell the House that when that gas showed itself the men ceased working? The men were the first to observe danger, and they knew where to find it. He could teach the hon. Member in 10 minutes how to know when a mine had become dangerous. (*A laugh.*) The hon. Member laughed, but was his practical knowledge sufficient to enable him to say whether the statement was right or wrong? Only a practical man could find out where the danger was. As to the question of responsibility, take the case of two men engaged in reparing a shaft. Every care was taken to provide good material and proper arrangements for the work; but, after all, one of the men fell off the scaffolding. Was the master responsible for that? Surely the master was not to stand there while they were doing the work. Again, as to accidents in coal mines. If six men were working, one being engaged in bringing the coal down and the others

engaged in front of it, and the one brought the coal down without giving the others notice, and injured them, was the master responsible? There always would be accidents—they could not obviate them altogether. The last Mines Bill was very stringent; so stringent as to be almost mischievous. He had an accident in one of his collieries, which showed what gas would do and how it would act. He knew it was a fiery mine, and he worked it as such; he provided five times the ventilation required by the Act, and had taken every possible precaution that experience could suggest; yet an explosion occurred, and nearly every man in the mine was killed. The manager of the mine had been down only 10 minutes before the explosion, the ventilation was perfect, and everything seemed to be correct; and no one to this day could so much as guess the cause of the accident. That accident cost him, besides £100,000, the lives of probably the best men he ever employed—in fact, he would never be able to replace them. They were of the old stamp of colliers, not the new stamp, who could not do half the work of the old class of men. He had lived long enough to know that those masters were most successful who took the greatest care of their men. He would go so far as to say that men ought to have good wages, they ought to be well fed, well clothed, and well housed; for how could the collier or the ironworker, for instance, work well if he were not well fed and well rested? Would this Bill do that? No; it would encourage nothing but carelessness and idleness. They had many societies in operation in the North of England to redress the sufferings occasioned by accidents and in other ways. Did they find the hon. Member encouraging these provisions? The societies to which he referred devoted their money to good objects and did not allow it to be frittered away in encouraging strikes and paid agitators. Some of these societies had been very successful. One, after meeting every claim for compensation, had a balance of £28,000. By the contribution of merely 3d. per week by the men in the mining districts of the North, compensation was provided for injuries, the masters subscribing 20 per cent; and if there were added to this what they had to pay in poor-rate very ample provision indeed would be made. While, however,

the societies were successful in Lancashire, Northumberland, and Durham, a society in North Staffordshire had not been successful, for after being in operation for six years the number of members did not reach 1,000. What influences had been at work in North Staffordshire he could not say; but it was time the colliers should judge and act for themselves. Instead of introducing Bills of this kind, he thought the hon. Member for Stafford would do better to give the workmen good advice—advise them that they were thinking and responsible beings—that they were best capable of discovering danger, and could prevent it far sooner than their employers, and that they should rather form societies to make provision for themselves in case of accident, than rely upon legislation of this kind, which treated them as children and slaves more than as persons capable of taking care of themselves.

MR. SHAW LEFEVRE said, the Bill of the hon. Member for Stafford dealt with a most important subject, and though it went rather beyond the necessities of the case yet it was deserving the attention of the House, and for his part he should give it a cordial support. He had taken the opinion of those interested in this question, and he did not believe that they desired to go the full length of the Bill. On the contrary, he believed when the law was explained to them they were quite prepared to acquiesce in a measure rather short of that before them. What was wanted was first, that employers should be held responsible for the ordinary safe conduct of their business, and for the substantial character of their plant and machinery; and, second, that the doctrine of common employment should not be carried too far—that was, so as to cover occupations which were independent of one another. It was certain that practically, by recent decisions, the responsibility of large employers had been destroyed, and it had been proved impossible for workmen to make the owners responsible for injuries they might receive in their employ. As had already been stated by the hon. Member for Glasgow (Dr. Cameron) until recently the Scotch Law was more liberal than the English law. He might further point out Lord Ardmillan held in the Court of Session that the doctrine of common employment ought not to be carried so far as the English Judges

had done. Soon afterwards—in the year following, in fact—the law of Scotland was reconciled to the law of England by a decision of the House of Lords. He had listened carefully to the speech of the hon. Member for Stafford, who had introduced the Bill, and he did not think the hon. Gentleman wished to go the full length of his own measure. He believed if the Bill were restricted to the two rules to which he had referred, it would give great satisfaction to the country, and he would support its second reading. They had already dealt partially with the same question in the Merchant Shipping Bill, and they had there made the shipowner responsible to his seamen for the seaworthiness of the vessel. He thought the same principle should be extended to other trades. He hoped that the House would read the Bill a second time.

SIR EARDLEY WILMOT expressed a hope that the Bill would be read a second time and referred to a Select Committee. There could be no doubt that the Bill in its present form went further than was desirable, but it was equally certain that the existing law was in a most unsatisfactory state, and that a clear case had been made out for amending legislation.

MR. PEASE said, that whatever might be the result of the discussion, the hon. Gentleman the Member for Stafford (Mr. Macdonald) might be well satisfied with having brought that important subject before the House. The debate had, however, run a good deal off the actual lines of the Bill, and had turned a good deal on the doctrine of “common employment.” Now, if he was asked whether the doctrine of common employment was clearly defined, or was in a satisfactory state, he should say that it was not in a satisfactory state, because it was not clearly defined. If the hon. Member for Stafford said that those who voted for the second reading must be understood as supporting the Bill in its entirety and as a whole, then he could not vote for it; but if, on the other hand, the hon. Member said that he admitted the Bill went too far, and all that he wanted was that the doctrine of common employment should be better defined, then he (Mr. Pease) would vote for the second reading. *The hon. Member for Stafford* terms to the scenes

the catastrophes which he described. Now, his own experience was less than that of the hon. Member; but no one who had seen any of these catastrophes, and who had the heart of man, could feel otherwise than strongly about them, or would not desire to do all he could to alleviate the suffering they occasioned. But then he denied that the Bill would obviate these catastrophes. The great and worthy, and to a certain extent the successful, object of the hon. Member's course, had been the adoption of measures for the saving of life, and he had obtained the passage of measures valuable not only to the men, but to their employers, but he feared this Bill would tend to increase very materially the risk to human life. Let him illustrate this by cases that had been referred to in the course of the discussion. Take the case, for instance, of the engine-man drawing the other men over the pulley. If the engine-man knew that the men he was drawing up hour by hour and day by day would be compensated by the masters if any accident happened to them by his negligence, or if the men who were working side by side knew that if the negligence of one of them occasioned injury to the others, and that these others would be compensated in like manner by the masters, would this, he would ask, tend to make either the one or the other more or less careful? It certainly seemed to him that it would tend to make them less careful. Therefore, the tendency of the Bill, so far from promoting the object to which the hon. Member had devoted his life, would constitute a retrograde march on his own line. Now, with regard to the guards on railways, no doubt a railway guard got increased pay because he ran an increased risk. He travelled a certain number of miles, and he was paid considerably higher wages than he would be if he never travelled at all. The Bill would lessen his wages if he was otherwise compensated for this risk. In like manner it would lessen the wages of the miner, because at present the wages of the miner were in like manner a compensation for the risk he ran. If the employer had to pay more for the risk of accidents, it was clear that that would increase the expense of labour production. He could not, therefore, to pay so much for wages, would have to be taken into

account in settling their amount in arbitration or in any other way. Neither, indeed, would it be fair that a man should have quite the same wages if he did as if he did not run the same risk. Then take the case of skilled labour, which he might illustrate by an instance which lately came under his notice. He saw the other day a contract with a diver from Liverpool, who was to be employed under water on some work. He undertook to go into the water, and to undertake a certain risk. If the risk was incurred, and he was killed, his representatives were to receive a certain sum on his death; so that here was the risk of death provided for by a direct contract. It seemed to him that in other employments the same thing was done indirectly by adding to the wages, in order that the man might undertake the risk himself. They must always recollect that it was careless men they had to deal with. That was an important consideration. Now, if this Bill were carried out, it would, bearing that fact in mind, be seen to be likely to lead to interminable disputes between masters and men. The litigation would go before a British jury, and what chance then would a master of large reputed wealth have against a poor pitman killed in his employment, or in his mine? He had the return of a hospital in his hand, one of several which he had procured, and he would ask anyone who looked through these papers impartially, whether it was not most probable that several of these men had not in a great measure contributed to the accidents by their own carelessness. The first half-dozen were entered as suffering from falls of stones from the roof, the most deadly cause of mine accidents in existence, and a far worse source of danger than fire-damp, or anything of that kind. Now, under this Bill, all these men would be compensated by the master, unless he could be proved to have contributed by his own negligence to the accident, and this would, in his opinion, hardly ever clearly be done. Then there was another case of an accident, which consisted in the breaking of a wire rope, by which a man's leg was broken—where was the fault; was the rope in fault, or was the man going too near it when the accident took place? But he need not go through the list. He had said sufficient to show that it must

lead to a great increase of that litigation which they must all be very anxious to avoid. He would now turn to the instances given by the hon. and learned Gentleman the Attorney General. There was the case of accidents arising from the shunting of railway goods trains at warehouses. Now, the railway companies had made the most stringent regulations on this subject; but under the Bill they would be liable to pay compensation for accidents which they had done their best to avoid and prevent. He could not find any proof that the Bill was sought by the country. There was only 34,000 signatures, representing all trades, in the Petitions which had been presented. From his own district he could only find the names of 276 men, out of one of the largest mining constituencies in the Kingdom, and while he mentioned that, he might also mention that there were 55,000 subscribers to the Northumberland and Durham Provident Society for Pitmen. Now, seeing how wonderfully organized all these trades were all over the country, he must say that he thought the desire of the country for the passage of the Bill had been very much exaggerated in the statements made to the House. He must also take notice that there were two very awkward Government notes appended to two of the Petitions which had been presented. To a Petition presented by the hon. Member for Stafford was appended a note to the effect that out of 900 of the signatures many were by the same hand; and a similar note was, he saw, affixed to a Petition presented by the right hon. Member for Clackmannan (Mr. Adam). Therefore, looking to these facts, he must say that he saw no great indication that the Bill was required or asked for by the country. He thought, indeed, that he might say why it was not required. The hon. Member for Wigan had referred to the Northumberland and Durham Miners' Provident Institution. On the society's books there were 55,000 men, and also 10,000 boys, and it had an income of £40,000. It was now paying annuities to 280 widows and 550 children by way of compensation. There was a great number of small accidents, all of which were provided for out of its funds, and there had been subscribed to the funds of that institution by the owners no less a sum than £16,000 within the last few

years. How could they, he would ask, work the compulsory system of compensation suggested by the Bill alongside such a voluntary system as that? If the employer of labour was to be responsible for the accidents in the wholesale manner provided by the Bill, these voluntary societies would fall to the ground. The men would not subscribe, because they would know that the master would compensate them in case of accidents, as no man was designedly careless; and the employers would not take both the legal and the voluntary responsibility. Then there was another thing to which he would call attention, that was to the fact that they had in Northumberland and Durham—and, he believed, the same was the case in other districts—what was known as the payment of "smart money"—that was, the payment to men who met with accident while following their employment of 6s. a-week, however the accident might be occasioned. That would no longer be paid if the Bill passed. The extra risk run by the men being compensated in the way he had shown, the question of legal liability would not come under discussion. Morally, if not legally, the liability was acknowledged by the masters in their contributions to these institutions. What he complained of in the difference between the voluntary system and the Bill was that the voluntary system took up all accidents, whether occasioned by negligence or not, while the Bill would only take up accidents described as occurring through no negligence of the men themselves, and would leave the others to go to and to be provided for by the parish. To this fund in Northumberland and Durham 300 colliers had subscribed. They would do so no longer if the Bill passed, as the Bill would apply to both railway and mining interests. He would now say a word with respect to the former in the same way as he had done with respect to the miners. He had in his hand a letter from Mr. Oakley, the manager of the Great Northern Company, who stated that they had on that line a sick club, which was managed free of expense to the Company. They had on the list now 100 widows, and also servants of the Company, and also a large number of children. The fund was provided by subscriptions, and to it the Company

subscribed. In addition to this was the Railway Provident Society, which had prospered so well that at the present moment they had £70,000 in hand, so that the annuities to the widows would be not only paid, but fully secured. Then he might inform the House that every leading railway company in the country had special funds of the same kind, to which the companies themselves contributed in a very liberal and generous manner. That was the case, he might state, either from his own knowledge or from information before him, with respect to the Great Eastern, the South-Western, the Great Western, the Midland, the London, Brighton, and South Coast, the Lancashire and Yorkshire, and also the London and North-Western. He would venture to put it strongly to the hon. Member for Stafford, who had charge of the Bill now before them, whether he thought that if he could carry the Bill that voluntary system which he had described could go on working alongside a compulsory system, making every one accountable for accidents happening in his service through the negligence of another workman. The Bill, he said again, would only touch those special cases where the circumstances were such as to bring them under the clauses conferring or exacting compensation from the masters under the circumstances which satisfied the legal rule as to the conditions under which such compensation might be exacted on the one hand; on the other hand, the principle laid down in the miners' and railway associations was that when a man had met with an accident, whether by his own negligence or not, he would receive compensation if injured, or, if he was killed, his widow would receive an annuity. That would come to an end if the Bill passed, and in this case the Bill, instead of benefiting, would, in his opinion, do an inconceivable injury to the working classes, whom the hon. Member for Stafford was anxious to serve.

MR. RODWELL said, all seemed to admit the unsatisfactory state of the existing law on this subject, but all seemed equally agreed that the Bill of hon. Member for Stafford went too far. His own opinion was that if the Bill passed in its present state it would prove unworkable and would lead to great hardship and oppression. The proper

tribunal to deal with this question was the same tribunal that had dealt with the Labour Laws and he hoped the Government would see their way to an inquiry into this subject by a Royal Commission. Such an inquiry would be better conducted by a Commission than by a Select Committee; and, meanwhile, he should move that the Bill be read a second time this day six months. He did not undervalue the importance of the subject. On the contrary, it was the very gravity of the question which led him to make this proposal. The Bill would revolutionize our law; it would alter many social and domestic relations. For example, the farmers would be exposed to great liabilities, owing to the introduction of new implements worked by steam; and before such changes were made the whole subject should undergo inquiry.

MR. HARDCASTLE seconded the Amendment, and said if the House declared against the existing principle of law that workmen should accept the ordinary risks of their employment, it would take a course fraught with danger. In his view it was the duty of every man to provide against the contingencies which happened to him in life. The Bill did not profess to avert such risks—it merely provided for compensation afterwards. The whole question, therefore was one of money, and he thought the better arrangement was the relief now afforded by subscriptions, and by the men's own contributions through the voluntary associations which had been mentioned. He thought that a Royal Commission formed too cumbersome a machinery for dealing with the subject; and that if the whole subject—not the Bill—were referred to a Select Committee, it would be the most satisfactory result.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Rodwell.*)

MR. M. T. BASS said, he thought some legislation on the subject was absolutely required. He denied that the great mass of the working classes were indifferent on this subject. For his own part he would willingly accept an assurance from the Government that they would legislate respecting it without unnecessary delay.

Mr. TENNANT thought that while the state of the law was unsatisfactory the Bill of the hon. Member for Stafford went much further than was necessary. The grievance of which the working men complained arose less from the principle of law than from the interpretation put upon it by the Judges; for example, by holding that a foreman of works exercising authority over the men was in law a fellow workman, for whose acts the employer was not responsible. He should be satisfied to accept either a Commission or a Committee; but hoped the Government would in any case, do something to remove what the workmen thought a great grievance, without imposing an intolerable burden upon employers.

Mr. BURT said, he must defend the hon. Member for Stafford (Mr. Macdonald) from imputations of his never having done anything to induce working men to make provision against accident and death, inasmuch as that had been one of the leading objects of his hon. Friend's life. Whatever might be the result of that debate, the hon. Member might congratulate himself on having raised a useful and valuable discussion. It was important to know to what extent employers should be liable for risk to those in their employment, and he was glad to know that the almost unanimous opinion of the House was that the law in its present state was not satisfactory. He could easily conceive cases in which it would be most unjust to employers to be made responsible for the recklessness of all those in their employment. He did not think the Bill went to that extent; if it did, he could not support it. But the Bill was valuable in this way, that in cases of community of employment it prevented the employer from raising an unjust defence. He did not think the Attorney General had satisfactorily shown that a master should not be liable for the neglect or incapacity of his managers and officials. With respect to the statements of the wages earned by miners within the last few years and the claptrap that had been sent about the country alleging that they lived extravagantly and drank champagne, he pointed out that, when wages were at their highest, miners did not, even in the best paid districts of the country, average more than £2 10s. per week. If it was said they might save 30s. out

of that sum, he might say that, though he did not drink champagne, he had found it a very stiff undertaking to maintain a family on £1 a week. The coal trade at present was very bad, and great numbers of miners were working but half time, and earning only 3s. to 3s. 6d. per day, notwithstanding all the risks to which they were exposed. He agreed with the hon. Member for South Durham (Mr. Pease) as to the advantages of voluntary associations. As to the system of giving smart money which had been alluded to, it prevailed only in the North of England, and not throughout the country generally. He was well satisfied with the spirit in which the debate had been conducted; and seeing that it had been admitted that the law was unsatisfactory, if the Government would give a pledge that they would bring in a Bill of their own or refer the Bill before the House to a Select Committee or a Royal Commission, he would recommend his hon. Friend to withdraw the measure.

Mr. ASSHETON CROSS said, after the course which the debate had taken, one thing, at all events, must be put aside—that there should be on this question any legislation of class against class. At the present moment he had no hesitation in saying that he believed the law to be wrong; but he had no hesitation, also, in saying that if this Bill as it stood were to become law he believed the law would then be wrong. Now, two wrongs did not make a right. He was so anxious that there should not go out to the country any notion of class legislation on one side or the other that he hoped he would be able to induce his hon. and learned Friend the Member for Cambridgeshire (Mr. Rodwell) to withdraw his Amendment and the hon. Member for Stafford to withdraw the Bill. The case had been so clearly stated by the Attorney General that it would not be necessary for him to go into it at any length. With regard to the question of accidents caused by the negligence of a fellow-workman—construing the term in no narrow sense, but taking it as including persons engaged in the same work as the man or manager—Government, with the matter in the hands of a Committee of this House, competent to fr-

if the hon. Member, instead of bringing this Bill before the House, had put the question in the shape of a Resolution to the effect that this matter required investigation he would have granted an inquiry without a word. He must say, however, that he had listened to one part of the debate with pain. A great many hon. Members, chiefly on the other side, had said—not that they would oppose the second reading because the Bill was wrong in principle, but that they would vote for it for the purpose of pulling it to pieces in Committee. His notion was that when a Bill was wrong it was better to say so at once. He could not, therefore, consent to the second reading. After what he had said he hoped both his hon. and learned Friend behind him and the hon. Member for Stafford would withdraw their Motions, that they might have at once an inquiry into the matter to which he had referred.

MR. W. E. FORSTER recommended the hon. Member for Stafford to accept the offer of the right hon. Gentleman. He was glad the Government had assented to a Select Committee rather than a Commission.

MR. MELDON having put his name on the back of the Bill was glad of the proposal made by the Government, and advised his hon. Friend (Mr. Macdonald) to accept it.

MR. MACDONALD expressed his willingness to accept the offer of the Home Secretary.

Amendment and Motion, by leave, *withdrawn*: Bill *withdrawn*.

WILD FOWL PRESERVATION BILL.

(*Mr. Chaplin, Mr. Rodwell.*)

[BILL 42.] SECOND READING.

Order read, for resuming adjourned Debate on Question [23rd February], "That the Bill be now read a second time."—(*Mr. Chaplin.*)

Question again proposed.

Debate *resumed*.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. P. A. Taylor.*)

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 337; Noes 18: Majority 324.

Main Question put, and *agreed to*.

Bill read a second time, and *committed for Monday next*.

CRIMINAL LAW (EVIDENCE) AMENDMENT BILL.—[BILL 61.]

(*Mr. Ashley, Mr. George Clive.*)

SECOND READING.

Order for Second Reading read.

MR. EVELYN ASHLEY, in moving that the Bill be now read the second time, said, that he took for his motto on this occasion the words of Bentham—"Innocence claims the right of speaking, as guilt invokes the privilege of silence." Although, no doubt, the effect of the change in the law of evidence which he asked the House to make would be to secure more certain conviction of the guilty, it was not on that ground that he based his appeal, but on the right that every innocent person had to state his own case and tell his own story under all the sanctions which law and custom made necessary, if the Court and jury were to pay proper attention to the statements—namely, under oath and subject to cross-examination. There were four classes of persons now excluded from the witness-box:—1. Prisoners on their own behalf. 2. Wives or husbands of such. 3. Co-prisoners. 4. Wives or husbands of such co-prisoners. The Bill which he asked the House to read a second time would make all these persons competent witnesses if they chose to offer themselves, on the same footing as any other witnesses, but there was no provision to compel any prisoner to give evidence. As to the history of the present law, he would only say that no express authority could be found either in text books or the statutes for the proposition that it was illegal to examine a prisoner. The modern practice was not older than the Revolution. Between the time of the abolition of the Star Chamber and the year 1680 such men as Scroggs and Jeffrey had disgraced the bench, and by their infamous brow-beating of prisoners had brought about a system of protection to the accused, which was secured by enforcing his silence. Also, during the 18th century, the private litigation theory

had gained ground, and the rules of evidence had been crystallized into a technical form, one element of which was that interested as well as tainted evidence was worthless. Hence, criminals and those who had to gain anything by the verdict were excluded from the witness box. In 1843 an Act was passed to remedy this, and after saying in the Preamble that the inquiry after truth in Courts of Justice was often obstructed by incapacities created by the law, it enacted that—

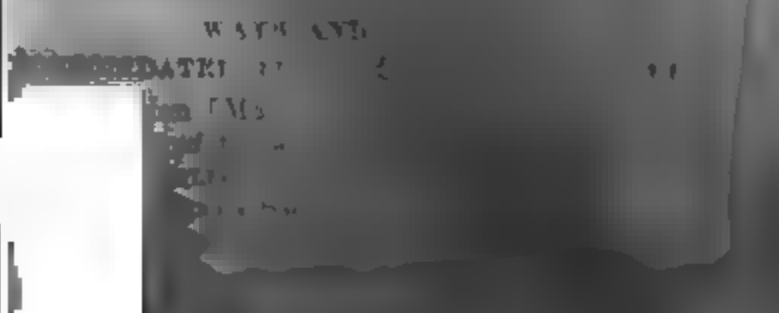
"No person hereafter shall be excluded by reason of incapacity from crime or interest in any proceeding civil or criminal."

But it proceeded to except the parties themselves. In 1851 an Act was passed repealing the above exception, but repeating the exception as to criminal cases and adultery. So timorous were the steps which marked any advance in such matters in England! But the results of those amendments in the law had been most beneficial, and the only source of wonder now was how, under the old system, the truth could ever have been elicited. Lord Brougham, in 1858, 1859, 1860, three times ineffectually tried to pass Bills to admit the evidence of prisoners; but although hitherto direct and general legislation had been refused, indirectly and by special exceptions, great inroads had been made upon the existing system. He (Mr. Ashley) would only cite to the House the Master and Servant Act (1867), the Naval Courts Martial Act, the Merchant Shipping Acts, both this year and last, the Licensing Act, 1872, the Conspiracy Act, 1875, in all of which the parties charged with offences under these several Acts were to be competent witnesses in their own behalf. In Bankruptcy the person charged was not only competent, but in some cases compellable to answer. In the Divorce Court respondents and co-respondents were now admitted, and these proceedings were of a quasi-penal character. Then, to go out of England. The Indian New Code and Evidence Act, 1872, admitted the examination of prisoners; the New Zealand statute of 1875 had admitted prisoners to the witness-box in summary proceedings, and in some of the United States of America, where the English Common Law prevailed, the system been adopted with complete suc-

Mr. Evelyn Ashley

He would read to the House some of the answers which he had received from the judicial officers of places in America where it was in force, and the House would hear how satisfied they were with the working of the new law of evidence in criminal cases. There were many cases where the prisoner or his wife were the only persons who could tell the true story. How hard was the position of a man who was in bed at the time of the commission of the crime imputed to him, and yet could not call his wife to prove an alibi. What he might call the "leading case" on this branch of the subject was that of the Rev. Mr. Hatch, who was convicted of an indecent assault on a girl, and when in penal servitude prosecuted the girl for perjury. Being able to call his wife as a witness on this prosecution he proved his innocence. So in cases of assault and embezzlement, the prisoner was often the only person who could state the circumstances. He must not omit to say that there were two Amendments to the Bill which he should propose if it went into Committee—first, that neither the prosecutor nor the Court should make any remarks upon the absence of the prisoner from the box, if he declined to avail himself of his right. This provision he found in the American statutes, and it was certainly a fair and just enactment. Secondly, that no prisoner should be cross-examined as to any previous convictions, or as to his previous character. If this was not provided it might bear hardly upon a prisoner, and also an innocent man might be deterred from offering himself as a witness because of some former fault of which he had been guilty.

And it being now a quarter of an hour before Six of the clock, the further Proceeding on Second Reading was adjourned till To-morrow.



BURGHs (DIVISION INTO WARDS) (SCOTLAND) AMENDMENT BILL.

On Motion of The LORD ADVOCATE, Bill to amend the Law in Scotland in regard to the division of Burghs into Wards, *ordered to be brought in by The LORD ADVOCATE and Mr. Secretary CROSS.*

Bill *presented*, and read the first time. [Bill 166.]

NULLUM TEMPUS (IRELAND) BILL.

On Motion of Sir COLMAN O'LOGHLEN, Bill to assimilate the Law in Ireland to the Law in England as to quieting Possessions and Titles against the Crown, *ordered to be brought in by Sir COLMAN O'LOGHLEN and Mr. MELDON.*

Bill *presented*, and read the first time. [Bill 167.]

House adjourned at five minutes before Six o'clock.

HOUSE OF COMMONS,

Thursday, 25th May, 1876.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Parliamentary Electors Registration * [169]; Medical Act (Qualifications) * [170].

Second Reading — (£11,000,000) Consolidated Fund *.

Committee—Commons [51]—R.P.

Committee discharged—*Referred to Select Committee*—Local Government Provisional Orders, Bristol, &c. (No. 6) * [147].

Committee—Report—Customs and Inland Revenue [124]; Coroners (Dublin) (*re-comm.*) * [152].

Third Reading—Admiralty Jurisdiction (Ireland) * [121], and *passed*.

LOCAL TAXATION.—QUESTION.

Mr. RATHBONE asked the Secretary to the Treasury, Whether it is right to suppose that the amount of loans as outstanding in Parliamentary No. 410, of Session 1875, and at £84,194,956, represents the amount of local indebtedness on 1st January 1874; and what further amount of loans to local authorities authorized by Government, and for what

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of England and Wales in June, 1874, June being the end of the local year. The large increase shown by the Return which I laid on the Table is probably due in part to the very imperfect record of indebtedness which previously existed. A further account is now being prepared, which will show the loans authorized by Government Departments since June, 1874. I am unable to say what that amount is at the present moment; but I have every reason to hope that either my right hon. Friend the Chancellor of the Exchequer or the President of the Local Government Board will very shortly make a statement on the subject.

NAVY—SUB-LIEUTENANTS.**QUESTION.**

Mr. COGAN asked the First Lord of the Admiralty, Whether his attention has been called to the hardship suffered by several sub-Lieutenants in the Navy, many of whom, after having been on active service for many years without having any opportunities of efficient study, have been dismissed the service in consequence of failing to pass the examination for the rank of Lieutenant, in consequence of the present rule being that if the officer fail to pass in the first instance, he is only allowed an interval of about six weeks before he has to go up for a second examination, which is final; whether it is a fact that at the examination in December last eleven officers were examined, the result being that six were dismissed the service; and, whether he sees any objection to allow an interval of four or six months to elapse after the first examination before the second and final examination takes place?

Mr. HUNT: The subject referred to in the Question of the right hon. Gentleman has engaged my serious attention, and I have had the advantage of consulting, not only the President of the Royal Naval College, but his predecessor, and they agree in the views they have put before me. I demur to the statement that these officers have failed to pass their examination in consequence of the rule referred to in the Question. I have gone through the case of every young officer who has failed to pass, and in every instance I trace the failure, not to the rule, but to the idleness of the

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If he has seen by the report of the Coroner's Inquest on the dynamite explosion at Maesteg, South Wales, that there was at least one hundred and fifty pounds of dynamite in a man-hole of the tunnel where the explosion took place on the 21st of April; if he has observed by the report that naked lights were used where the parties in charge were handling the dynamite; if he has had it brought under his notice that the charges for exploding with were all made in the man-hole where the dynamite was stored; whether he will, if it is not already provided for by the Act of Parliament, bring in a Bill to prevent the use of naked lights where dynamite is stored underground; and, whether he will make provisions in it against the storing of such large quantities of dynamite, and make provision that it must not be prepared for use where it is stored?

MR. ASSHETON CROSS, in reply, reminded the hon. Member that he had already stated that he had thought the matter so important that he had directed the Inspector to make a special inquiry, quite independently of the Coroner's inquest, into the facts of the case, under the 66th section of the Explosives Act of last Session. That inquiry had been held, but the Inspector had not yet made his Report. As soon as he did so the Report would, in accordance with the provisions of the Act, be laid upon the Table of the House, when such action would be taken upon it as the Government might think right. The work in the tunnel where the explosion took place had been carried on with an unexpired licence under the old Act. The new Act required that the place where dynamite was stored should not be used for any other purpose. He had no doubt that that Act would be quite sufficient to meet the exigencies of the case to which the hon. Member had referred.

ELEMENTARY EDUCATION BILL—POOR EDUCATIONAL DISTRICTS.

QUESTIONS.

LORD ROBERT MONTAGU asked the Vice President of the Council, Whether he has, before the drawing and consideration of his Education Bill, prepared a Return (from the blue-book 'Parishes,' No. 114, of 1868, or from other sources) of all the civil parishes or school districts where a rate of three

pence in the pound will not produce six shillings per head of one-sixth of the population of the parish, showing the number of schools in such parish, and distinguishing the schools as "Church of England," "Non-conformist," "Roman Catholic," and "Board schools;" and, whether he will endeavour to send such a Return out to the Members of the House previous to the Second Reading of his Bill?

VISCOUNT SANDON: We carefully inquired into the effect of our proposals respecting poor districts before we laid the Bill upon the Table of the House, and the valuable Returns which the noble Lord obtained in 1868 were of considerable service to us in considering this matter. We have not, however, the complete Return of the whole of the parishes and districts to which he alludes, nor have we considered the character of the schools in each parish, distinguishing them as Church of England, Nonconformist, Roman Catholic, or board schools. This part of the question we did not enter into at all, as we treated the matter of extra assistance to the poor districts as one which was needed to remedy a general injustice to the poor districts, both in town and country, whether under school boards or not; and we have not made any inquiry as to the respective numbers of board schools, Roman Catholic, Nonconformist, and Church of England, in these poor districts. I shall be happy to do my best to get printed a Return as to the first part of the noble Lord's Question before the second reading of the Bill. With regard to the other part, respecting the character of the schools to be affected, it would be a most laborious Return, and would take a long time and much tact to prepare, and there would be no chance of having it ready for the discussions on this Bill. I am sorry, therefore, I cannot comply with the second part of the noble Lord's request.

LORD ROBERT MONTAGU gave Notice that he would move for the Returns referred to.

MR. W. E. FORSTER inquired whether the noble Lord would have any objection to furnish a Return of the number of poor districts in boroughs?

VISCOUNT SANDON replied that a Return could be furnished of the number of poor districts, but not of the number of schools in those districts.

Mr. Macdonald

Clause 6 of the Elementary Education Act, that Boards of Guardians, if they pass bye-laws on the requisition of the ratepayers of a parish, should have identically the same powers as school boards now possess of compelling the attendance of children at public elementary schools, whether denominational or not; and it is just as carefully provided in the Bill of this Session, as in the Act of 1870, that no compulsion should be used unless there is within reach of the child a public elementary school—that is to say, an efficient school, with the ample Conscience Clause of the Education Act, 1870. It is also true, as my hon. Friend the Member for Nottingham (Mr. Isaac) mentions in his Question, that it is in the power of school boards, where they have any bye-laws for compulsion and where no denominational schools exist, to compel the attendance of children of the Church of England, the Church of Rome, and of children professing the Jewish religion, at board schools where the teaching of the Catechism and other religious formularies of such children is prohibited. I must remind the hon. Gentleman the Member for Maldon that the only alternative modes of treatment of this question are to leave the neglected children alone, untaught and untrained in all the numerous places where there are only denominational public elementary schools, or to destroy all such denominational schools, after having spent some £10,000,000 or £12,000,000 of money upon them from voluntary sources, and throw them upon the rates. I leave the hon. Gentleman to judge whether such proposals are likely to rally the country to the somewhat strange coalition of parties at which his proposal points.

MR. SANDFORD: I rise to Order. I have no objection to the noble Lord making any statement he likes in answer to the Question; but I do not think he ought to be allowed to enter into an argument.

MR. SPEAKER: I certainly agree with the hon. Member for Maldon that the noble Lord is rather travelling into an argument than answering a Question.

CRIMINAL LAW—PUBLIC PROSECUTOR. QUESTION.

SIR CHARLES RUSSELL asked the Secretary of State for the Home Depart-

ment, Whether, having regard to the evidence given before the Committee on Foreign Loans, and the numerous miscarriages of justice in criminal cases, it is the intention of Her Majesty's Government to make proposals for the appointment of a Public Prosecutor?

MR. ASSHETON CROSS: This is a Question which has for a long time engaged the serious attention of Her Majesty's Government, and I am quite prepared on their behalf to submit a scheme for the consideration of this House whenever a proper and convenient opportunity is afforded for its discussion. But I must warn the House that whenever any scheme to be effective for the purpose is brought forward, they must not expect it to be one which will not cost money. Beyond the expenditure incurred on behalf of salaries, the cost of prosecutions will, I have not the slightest doubt, be very enormously increased.

MERCANTILE MARINE—SHIPWRECKED VESSELS.—QUESTION.

MR. RATHBONE asked the First Lord of the Admiralty, Whether his attention has been called to the debate in the Legislative Assembly of Melbourne on the propriety of Her Majesty's ships calling at the islands between the Cape of Good Hope and Australia to relieve those shipwrecked upon them; and, if so, what steps he has taken or proposes to take in the matter?

MR. HUNT, in reply, said, he had not seen any report of the debate to which the hon. Member referred; but the Admiralty had received a communication from Lloyd's Committee on the subject, and in the Correspondence which had ensued Her Majesty's Governments had expressed their views and intentions on the matter. As the story was too long to give in an Answer to a Question it would be more convenient if the hon. Member would move for a copy of the Correspondence, in order that those views and intentions might be put before the House.

EXPLOSIVES SUBSTANCES ACT, 1875— DYNAMITE EXPLOSION IN SOUTH WALES.—QUESTION.

MR. MACDONALD asked the Secretary of State for the Home Department,

officers in question. I am assured that any officer of ordinary ability and application could easily prepare himself for the examination within the limit of time, and that if a longer period were allowed, there would only be the greater opportunity for idleness. Under these circumstances, I am not prepared to assent to the proposal contained in the Question. With regard to the number of officers who failed in December last, the number stated in the Question is correct; but it appears that the case was exceptional, and that a similar case is not likely to happen again. The last examination has produced much more favourable results.

JUDICATURE ACTS—THE ASSIZES.

QUESTION.

Mr. COLE asked Mr. Attorney General, Whether he concurs in the opinion of the Judges, as stated to the House by the Secretary of State for the Home Department on the 18th instant—

"That Courts of Assize of Oyer and Terminer and Gaol Delivery, being parts of the High Court of Justice, are subject to the same rules, and that, as the Trinity Sittings end on the 8th of August, it would not be proper for the Judges to sit upon circuit after that day;"

whether he is of opinion that causes cannot be legally tried, or gaols delivered at assizes continuing after the 8th of August; and, if so, whether he is prepared to advise Her Majesty's Government to take steps to remedy the great hindrance to the administration of justice that will necessarily be caused thereby; and, whether the arrangements made by Her Majesty's Judges for holding the ensuing circuits will have the effect of adding eight or ten days at least to the Long Vacation as it has hitherto existed?

THE ATTORNEY GENERAL: In my view, the Courts of Assize of Oyer and Terminer and Gaol Delivery are certainly parts of the High Court of Justice, and may be made subject to rules framed under the Judicature Acts. With respect to whether as the Trinity sittings end on the 8th of August, it would not be proper for the Judges to sit upon circuit after that day, I do not quite understand the proposition. If it is intended to ask me whether it would be illegal for the Judges to sit on circuit after that day, I should answer that I do not think it would be; but if it is wished that

Mr. Hunt

should express an opinion whether, having regard to the requirements of public business and other circumstances, it would be proper, suitable, and convenient that the circuits should not continue beyond the date in question, I must answer that upon this point the Judges are far better able to form an opinion than I am. With respect to the second part of the Question, I have already said that I do not think it will be illegal to try causes or prisoners after the 8th of August, and, therefore, it will not be necessary for me to give any advice to the Government on the subject. As to the remaining portion of my hon. and learned Friend's Question, I may remark that the Long Vacation has been considered to begin on the 10th of August and to last to the 24th of October. If, then, the arrangements contemplated are carried out, the Long Vacation will practically remain the same as before, but gentlemen practising on circuits where the business has generally lasted till late in August will get a longer holiday than usual.

ELEMENTARY EDUCATION ACT, 1870— CLAUSE 6.—QUESTIONS.

Mr. SANDFORD asked the Vice President of the Council, Whether, under Clause 6 of the Elementary Education Act, giving compulsory powers to Boards of Guardians, it is intended, in parishes having no school but Church of England schools, to give the Boards of Guardians power to compel the attendance of the children of Non-Conformists and Roman Catholics at such Church of England schools?

Mr. ISAAC also asked Whether, under the seventy-fourth section of the Elementary Education Act of 1870, giving compulsory powers to School Boards it is in the power of such School Boards where no denominational school exists, to compel the attendance of children of the Church of England, the Church of Rome, or of children professing the Jewish religion at such Board Schools, where the teaching of the Catholicism or other religious formulæ of such children is prohibited?

Vice-President: In answer to the Question of the hon. Gentleman the Member for ... (Mr. Sandford) I will at once say that it is intended that I should have ... was obvious.

Clause 6 of the Elementary Education Act, that Boards of Guardians, if they pass bye-laws on the requisition of the ratepayers of a parish, should have identically the same powers as school boards now possess of compelling the attendance of children at public elementary schools, whether denominational or not; and it is just as carefully provided in the Bill of this Session, as in the Act of 1870, that no compulsion should be used unless there is within reach of the child a public elementary school—that is to say, an efficient school, with the ample Conscience Clause of the Education Act, 1870. It is also true, as my hon. Friend the Member for Nottingham (Mr. Isaac) mentions in his Question, that it is in the power of school boards, where they have any bye-laws for compulsion and where no denominational schools exist, to compel the attendance of children of the Church of England, the Church of Rome, and of children professing the Jewish religion, at board schools where the teaching of the Catechism and other religious formularies of such children is prohibited. I must remind the hon. Gentleman the Member for Maldon that the only alternative modes of treatment of this question are to leave the neglected children alone, untaught and untrained in all the numerous places where there are only denominational public elementary schools, or to destroy all such denominational schools, after having spent some £10,000,000 or £12,000,000 of money upon them from voluntary sources, and throw them upon the rates. I leave the hon. Gentleman to judge whether such proposals are likely to rally the country to the somewhat strange coalition of parties at which his proposal points.

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ment, Whether, having regard to the evidence given before the Committee on Foreign Loans, and the numerous miscarriages of justice in criminal cases, it is the intention of Her Majesty's Government to make proposals for the appointment of a Public Prosecutor?

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MR. ASSHETON CROSS, in reply, reminded the hon. Member that he had already stated that he had thought the matter so important that he had directed the Inspector to make a special inquiry, quite independently of the Coroner's inquest, into the facts of the case, under the 66th section of the Explosives Act of last Session. That inquiry had been held, but the Inspector had not yet made his Report. As soon as he did so the Report would, in accordance with the provisions of the Act, be laid upon the Table of the House, when such action would be taken upon it as the Government might think right. The work in the tunnel where the explosion took place had been carried on with an unexpired licence under the old Act. The new Act required that the place where dynamite was stored should not be used for any other purpose. He had no doubt that that Act would be quite sufficient to meet the exigencies of the case to which the hon. Member had referred.

ELEMENTARY EDUCATION BILL—POOR EDUCATIONAL DISTRICTS.

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pence in the pound will not produce six shillings per head of one-sixth of the population of the parish, showing the number of schools in such parish, and distinguishing the schools as "Church of England," "Non-conformist," "Roman Catholic," and "Board schools;" and, whether he will endeavour to send such a Return out to the Members of the House previous to the Second Reading of his Bill?

VISCOUNT SANDON: We carefully inquired into the effect of our proposals respecting poor districts before we laid the Bill upon the Table of the House, and the valuable Returns which the noble Lord obtained in 1868 were of considerable service to us in considering this matter. We have not, however, the complete Return of the whole of the parishes and districts to which he alludes, nor have we considered the character of the schools in each parish, distinguishing them as Church of England, Nonconformist, Roman Catholic, or board schools. This part of the question we did not enter into at all, as we treated the matter of extra assistance to the poor districts as one which was needed to remedy a general injustice to the poor districts, both in town and country, whether under school boards or not; and we have not made any inquiry as to the respective numbers of board schools, Roman Catholic, Nonconformist, and Church of England, in these poor districts. I shall be happy to do my best to get printed a Return as to the first part of the noble Lord's Question before the second reading of the Bill. With regard to the other part, respecting the character of the schools to be affected, it would be a most laborious Return, and would take a long time and much tact to prepare, and there would be no chance of having it ready for the discussions on this Bill. I am sorry, therefore, I cannot comply with the second part of the noble Lord's request.

LORD ROBERT MONTAGU gave Notice that he would move for the Returns referred to.

MR. W. E. FORSTER inquired whether the noble Lord would have any objection to furnish a Return of the number of poor districts in boroughs?

VISCOUNT SANDON replied that a Return could be furnished of the number of poor districts, but not of the number of schools in those districts.

Mr. Macdonald

NAVY—COMMITTEE ON ROYAL NAVAL ENGINEERS.—QUESTION.

CAPTAIN PRICE asked the First Lord of the Admiralty, Whether his attention has been called to an extract in the "Western Morning News," purporting to be taken from the Report of the Committee on Royal Naval Engineers and Engine-room Artificers; and, whether this extract is substantially correct; and if he is now prepared to lay the Report upon the Table of the House?

MR. HUNT, in reply, said, he had not seen the extract referred to by the hon. Member, and therefore he was unable to say whether it was correct. He had given no authority for any part of the Report of the Committee to be communicated to any newspapers. The Report would not be laid upon the Table of the House until some decision had been arrived at with regard to it.

LUNATIC ASYLUMS (IRELAND).

QUESTION.

MR. R. POWER asked the Chief Secretary for Ireland, If it is true that the Lord Lieutenant and Privy Council of Ireland have issued an Order declaring—

"That on any ex-officio governor and director of a district lunatic asylum ceasing to hold the office by virtue of which he acts as such, he shall cease to be a governor and director, and his successor in the office aforesaid shall not be entitled to act as an ex-officio governor and director of a district lunatic asylum ;"

whether said Order is intended to apply to all lunatic asylums in Ireland; and, if he would explain to the House why such Order has been issued?

SIR MICHAEL HICKS-BEACH: Such an Order was issued by the Irish Privy Council on the 26th of January last. Technically, it applies to all lunatic asylums; practically, only to eight, for in that number only does it appear that *ex-officio* governors exist. These *ex-officio* governors consist of High Sheriffs, Members of Parliament for counties and boroughs, dignitaries of the disestablished Church, and, in some cases, the mayor of the city or borough where the lunatic asylum is situated. It appeared from inquiries made in connection with the subject that the legality of these appointments was very doubtful; and, as difficulties were likely to arise from

this, the Privy Council considered it advisable, while confirming all existing appointments, to direct that no gentleman should in future hold the appointment of governor solely in virtue of the office or position which he might temporarily occupy.

NAVY—H.M.S. "VANGUARD."

QUESTION.

MR. D. JENKINS asked the First Lord of the Admiralty, If a contract for raising Her Majesty's Ship "Vanguard" has been concluded; and, if so, about what time is it proposed to commence the operations?

MR. HUNT: In reply to the hon. Gentleman, I have to state that no contract has been entered into for raising the *Vanguard*. Negotiations for the purpose have been going on for some time; but they have not, as yet, come to any conclusion.

NAVY—COLLISION OF THE "ALBERTA" AND THE "MISTLETOE"—CAPTAIN WELCH.—QUESTION.

MR. ANDERSON, asked the First Lord of the Admiralty, Whether, since the discussion on the "Mistletoe" disaster, the Admiralty have had any communication with Captain Welch with reference to the discrepancy between his letter, saying that he had requested a court martial, and the statement of the First Lord that no such request had been made or it would have been granted; and, whether he can now explain that discrepancy, and if he is willing still to grant such court martial if requested by Captain Welch?

MR. HUNT: I have to state, in answer to the hon. Gentleman's Question, that no communications have passed between the Admiralty and Captain Welch since the period to which he refers. I can only repeat now what I have stated before—that no application for a court martial has been received by the Admiralty from Captain Welch. With respect to the second part of the hon. Gentleman's Question, the matter stands on a wholly different footing after the length of time that has elapsed since the unfortunate occurrence; and I am not prepared to say what would be the result of an application that has not yet been made.

PARLIAMENT—PUBLIC BUSINESS—
SCOTCH BILLS.—QUESTION.

MR. LEITH asked the Secretary of State for the Home Department, Whether, with reference to the frequent postponements of Scotch Government business in the House, the Government will be pleased to fix a time for moving the Second Reading of the Sheriff Courts (Scotland) Bill, considering its great importance to the people of Scotland; and also to make arrangements so as to secure the discussion during the present Session of the other Government Scotch Bills appearing in the Order Book of the House?

MR. ASSHETON CROSS: I am afraid Scotland is not alone in this matter. She is in very good company—namely, that of England and Ireland. With regard to the Sheriffs Courts (Scotland) Bill, which is a matter of great importance, I hope there is a prospect, and a reasonable one, of its being taken on Thursday. The Poor Law (Scotland) Bill stands for Monday, but I cannot say whether it can come on on that day or not. I think the two other Scotch Bills must be postponed until after Whitsuntide. But I will give hon. Members notice, as far as I can, as to when the Bills will be taken.

PARLIAMENT—PUBLIC BUSINESS.
OBSERVATIONS.

THE MARQUESS OF HARTINGTON: It would be convenient to the House if the right hon. Gentleman at the head of the Government would be good enough to state after what hour it is not proposed to go on with the Commons Bill this evening, and also whether, in any circumstances, it is intended to proceed with the third reading of the Merchant Shipping Bill to-night? The right hon. Gentleman, of course, will not be prepared to answer the question immediately; but it would be convenient, I think, that the House should know shortly what are the intentions of the Government with regard to the Oxford University Bill. I therefore give Notice that I will to-morrow ask whether he can name any day for proceeding with that Bill.

MR. DISRAELI: We do not intend to take the Commons Bill to-night after half-past 10, or, perhaps, 11 o'clock, nor to proceed with it to an unreasonable

hour to-night. I do not see that I shall be able to-morrow to give the noble Lord a more satisfactory answer with regard to the Oxford University Bill than I can to-night, and therefore I may as well answer his Question at once. It is quite clear that we cannot proceed with that Bill at present. It must be taken after the holidays, and then I shall be able to give a more satisfactory answer to the noble Lord. The Appellate Jurisdiction Bill must be proceeded with before the Oxford University Bill can be taken.

MR. FAWCETT said, that the answer given by the Prime Minister to the Question of the noble Lord was so unusual that he must, most reluctantly, take the course of moving the adjournment of the House. The other night the Chancellor of the Exchequer said he could not tell whether the Commons Bill would be brought on at 10 o'clock or at half-past 10, and, therefore, Members did not know whether it would be brought on at 10 or at half-past 10. And now the First Minister said it might be brought on at 11 o'clock. That was not a reasonable hour for bringing on that very important Bill, and, if it were brought on at 11 o'clock, he (Mr. Fawcett) would move an adjournment. The hon. Gentleman concluded by moving the adjournment of the House.

Moved, "That the House do now adjourn."—(*Mr. Fawcett.*)

THE CHANCELLOR OF THE EXCHEQUER said, the Government attached great importance to the Commons Bill, as was manifest by the mention of it in the Queen's Speech. They were perfectly aware that the Bill when it came on at the next stage must give rise to a good deal of debate, and they had no wish to bring it on at a time inconvenient to the House. But it was very inconvenient to be asked questions with regard to precise hours and half hours, especially when such questions might lead to discussions which might, perhaps, take up a quarter or half-an-hour. The object of the Government was to get on with business and to bring forward their measures at a proper time. The Commons Bill had originally been put down as the first business of the day; but it was quite obvious that no time should be lost in proceeding with the financial measure of the Government, and there-

fore the Customs and Inland Revenue Bill was put down for progress in Committee as the First Order of the Day. He hoped the House would get through that Bill at a time which would enable them to proceed with the discussion on the Commons Bill. If the Customs and Inland Revenue Bill should occupy the House till a time when it would be too late to proceed with the Commons Bill, of course the Government would not wish to press it against the wish of the House. But suppose the Customs and Inland Revenue Bill should be disposed of at 10 or half-past 10, he did not think they ought to be precluded from proceeding with the Commons Bill by anything that was said in the beginning of the evening. With regard to the Question of the noble Lord as to the Merchant Shipping Bill, that Bill stood for a third reading. He did not know whether it was likely that there would be much discussion on the third reading; but if it were not reached by half-past 11 it would not be proceeded with to-night, unless there was a general desire on the part of the House that it should be read a third time.

Motion, by leave, *withdrawn*.

CUSTOMS AND INLAND REVENUE
BILL—[BILL 124.]

(*Mr. Raikes, Mr. Chancellor of the Exchequer,
Mr. William Henry Smith.*)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Short title) *agreed to*.

PART I.

Customs and Excise.

Clause 2 (Grant of Customs duties on tea.)

MR. RYLANDS protested against the clause because it continued the duty on tea. His objection to this was on the ground that it limited the consumption of tea, which was a necessary of life, and raised the price of it to the consumer to an amount larger than that of the duty itself. The effect a reduction of the duty produced upon the consumption was shown by the fact that while in 1840, when the duty was at a high rate, the quantity consumed per head of the population was 1.22 lb., now it was

4.23 lb. per head, an increase in the consumption of four-fold. He trusted that the duty would be repealed at the earliest possible moment.

SIR JOHN LUBBOCK thought that before the tea duty was further reduced there were other small duties which might with advantage be swept away—the duty, for example, on marine insurances, which, he contended, had a tendency to drive business out of the country. He would remind the hon. Member for Burnley that the general increase of wages in the country no doubt had much to do with the increased consumption of tea.

THE CHANCELLOR OF THE EXCHEQUER admitted the right of the hon. Member for Burnley to call attention to the tea duty on a proposal to re-impose it without alteration; but he thought the hon. Baronet was hardly in Order in introducing on a clause relating to the tea duty the question of marine insurance; and it would be very inconvenient to discuss the whole question of our taxation with the relative incidence of direct and indirect taxation upon that clause. They were not now in a position to deal with this subject; but he might remind the hon. Member for Burnley that the present Government, since they had been in office, although they had not reduced the tea duty, had taken off the whole of a very cognate tax—the sugar duty—a measure which had a considerable effect in stimulating the consumption of tea.

Clause *agreed to*.

Clause 3 (Customs duty on cocoa paste and chocolate.)

THE CHANCELLOR OF THE EXCHEQUER moved the omission of the clause, which had been originally introduced to regulate the duty on chocolate and cocoa paste after the repeal of the sugar duties. Inquiries had shown that a large proportion of these substances did not contain sugar, and the Government had come to the conclusion that they would by this clause create a great inequality on one side by attempting to remedy one on the other.

Motion *agreed to*.

Clause *struck out* accordingly.

Clause 4 (As to bottling spirits in a Customs or Excise warehouse for export-)

tation only); and Clause 5 (Restriction of term "male servant," in s. 19 of 32 & 33 Vict. c. 14) *agreed to*.

PART II.

Income Tax.

Clause 6 (Grant of duties of income tax.)

MR. KIRKMAN HODGSON rose to move an Amendment of which he had given Notice—namely, in page 2, line 38, to leave out "three pence" and insert "two pence-halfpenny." He had perfect confidence in the Estimates laid before the House by the Chancellor of the Exchequer, and he would take them as the basis of his observations. The right hon. Gentleman estimated the Expenditure of the current year at £78,044,000, and the Revenue at £77,270,000, leaving a deficiency of £774,000. To meet that deficiency the right hon. Gentleman proposed to add 1s. to the Income Tax, from which he expected to realize this year £1,168,000, leaving a surplus of £394,000, or, including the loss of the duty on boys occasionally employed, £368,000. If his (Mr. Hodgson's) proposal of a half-penny addition to the Income Tax were adopted, he calculated that it would give this year £857,000, which would meet the deficit of £774,000, and leave a balance of £83,000. If, however, he adopted the exemption of all incomes under £150, that would cost the Exchequer £135,000, and thus leave a trifling deficiency of £78,000—a deficiency which, looking at the extreme prudence of the Chancellor of the Exchequer's calculations, he did not think at all serious. He could only hope to succeed in his Amendment if he could touch the heart of the Chancellor of the Exchequer and induce him to give to all payers of Income Tax the boon which the right hon. Gentleman offered to only a certain portion of them. Even if the extra remissions which the right hon. Gentleman proposed to give to the possessors of the smaller incomes were taken away, an equivalent advantage would be conferred upon them by this Amendment in the form of a reduction of the extra 1s. to a half-penny. His calculations might appear very close, but it was to be remembered that he should have no *Supplementary Estimates*—at least, he hoped

so. As to the question of exemptions, he would only remind the House that the Government proposals had been pronounced to be a step towards graduated taxation, which had always been the dream of the Communists and revolutionists. His own view was that they ought to strike off from incomes a uniform sum of £150 or say £200—in fact, the price of subsistence. The hon. Member concluded by moving his Amendment.

Amendment proposed, in page 2, line 38, to leave out the words "three pence," in order to insert the words "two pence halfpenny,"—(*Mr. Kirkman Hodgson*,)—instead thereof.

THE CHANCELLOR OF THE EXCHEQUER said, he fully recognized that no one had a better right to address the House on this question than his hon. Friend, and no one could have brought forward his Amendment more moderately, but his proposal was not one which the Government could safely accept. Even assuming that the exemptions were retained at their present level, the hon. Member's scheme would not leave the finance of the country in a satisfactory position at the end of the year. The arrangements proposed by the Government had been decided upon after very careful and anxious consideration. He (the Chancellor of the Exchequer) claimed no credit for himself in that matter; but he could say that the heads of the responsible revenue branches of the country had been in constant communication with him for months before the Budget was settled, and that up to the last moment their calculations were revised and re-revised, and turned in every possible way. Therefore, what he had laid before the House as a prospective estimate of our finances was one by which he was prepared to stand in every particular. There was nothing in the progress of the Revenue during the last six or seven weeks to induce him to change his estimate in any respect. There had been some slight falling off in one thing and some slight improvement in another, but taking all things together he was prepared to stand by his original estimate. According to his (the Chancellor of the Exchequer's) proposal the sum of £5,218,000 would be received for Income Tax in 1876-7; if the figure proposed by the hon. Member

were adopted it would yield £4,792,000, or £476,000 less than was estimated by the Government. This would leave them a deficit of £108,000, and if they added to that, as the hon. Member suggested, the exemption of all incomes under £150, the whole deficit would be something like £250,000. He (the Chancellor of the Exchequer) thought the House would agree with him that it was a very dangerous thing, under any circumstances, to commence the year with a deficit, and without making any allowance for Supplementary Estimates. His hon. Friend hoped no Supplementary Estimates would be needed; but he could never be secure against accidents which might diminish the productiveness of the Revenue. The Government had made cautious estimates, and he felt bound to say that the sanguine anticipations of his hon. Friend were not such as could safely be shared in by a Chancellor of the Exchequer. He could not take upon himself the responsibility to advise that they should commence the year with a deficit such as the hon. Member proposed; therefore, in any case it would be his duty to resist this proposal, whatever might be the view the House would take upon the question as to exemptions. He preferred to discuss the question of the substitution of a halfpenny for a penny irrespective of the question as to exemptions; and therefore, in opposing the reduction, he at present abstained from entering into the discussion of exemptions.

MR. DODSON said, it appeared to him the right hon. Gentleman had not satisfactorily disposed of the figures which had been propounded by his hon. Friend the Member for Bristol. His hon. Friend contended that the halfpenny, calculated at the rate adopted by the Chancellor of the Exchequer himself, would produce sufficient to meet the deficit and very nearly enough to meet the exemptions up to £150. The right hon. Gentleman had apparently challenged that calculation by allusions to the amount of Income Tax collected within the year. He was at a loss to understand why the Chancellor of the Exchequer should estimate the third penny to produce less than either of the two other pennies. The right hon. Gentleman estimated, in his Budget speech, the first and second pennies to produce this year, as last year, respectively

£2,054,000, but he estimated the third penny to produce only £1,800,000. No explanation had been given of this, and he should certainly assume that the third penny would produce as much as each of the two first pennies; and he was fortified in that by the Budgets of 1868 and of 1871, when the Income Tax was raised from 4*d.* to 6*d.*, and in each case the additional pennies were estimated to yield as much as the original pennies. The right hon. Gentleman now said the third penny would only produce £1,800,000, and that the exemptions would reduce the product of that penny to £1,400,000. The right hon. Gentleman in his Budget speech further reckoned that one-sixth of that amount would not be collected within the year. That appeared to be a large sum to strike off for non-collection within the year. But on the 7th April the right hon. Gentleman said he would throw off one-fifth for the sum that would not be collected within the year, and according to that calculation his surplus would be not £368,000, but £318,000. Now, whether the amount thrown off was one-sixth or one-fifth, it was a very large amount. In 1871, when the tax was raised from 4*d.* to 6*d.*, the Chancellor of the Exchequer estimated the amount of non-collection for the year at one-tenth, and the result justified that calculation. If one-tenth was thrown off for the present year the proposition of the hon. Member for Bristol would produce £924,000, against the right hon. Gentleman's deficit of £774,000. This would practically leave the Chancellor of the Exchequer margin enough to remit the duty upon servant boys, and to exempt incomes under £150 from Income Tax. No doubt there might be Supplementary Estimates, and it should not be forgotten that the Supplementary Estimates last year amounted to £1,400,000, whilst in the preceding year the amount was £1,600,000. If such Supplementary Estimates were to be produced this year, neither the proposition of the hon. Member for Bristol nor that of the right hon. Gentleman himself would be sufficient to cover them. The fact was that no increase of taxation would be needed this year but for the sinking fund which the right hon. Gentleman established last year. The payment it now involved of £570,000 turned the scale against the right hon. Gentle-

mode in which the Income Tax operated upon the lower classes of incomes; subsequently, some years afterwards, the right hon. Member for the University of London (Mr. Lowe) introduced into his Budget a proposal to further extend this relief by raising the amount from which deduction was to be made to £300, and the amount of deduction from £60 to £80; and the ground on which he made the proposal was that there was no class of taxpayers who felt the pressure of taxation so severely as persons whose incomes were under or about that amount. He did not find fault with these right hon. Gentlemen for proposing to make these remissions; they were assented to by Parliament without anyone breathing a word about socialism; and he was bound to say that since that time public opinion had not been stimulated in that direction. Well, if he chose to follow in the wake of the other side, he might say there was a precedent for the course he had adopted. But he begged to assure the Committee that his proposals had been made upon wholly different grounds. He had never in his arguments admitted the principle that his desire was to show any particular favour or mercy to the particular class of the community with which he proposed to deal. He had carefully abstained from anything of the kind. The Government were not so soft-hearted as to try and conciliate one class at the expense of another. He had simply started upon the assumption that the total remission of Income Tax should be carried from £100 to £150 a-year. That alteration he proposed upon purely practical grounds, because there was very great difficulty, and in some cases an almost impossibility, of levying the tax from persons whose incomes were below a certain amount. Well, that point having been reached, the next question to be considered was merely one of an arithmetical character. Exemptions being granted up to £150, the question arose, what was to be done with incomes immediately above that amount? Were they to be subjected to full taxation? This was the principle acted upon originally by Sir Robert Peel; but it made the tax fall heavily on incomes just above the amount of exemption. With a limit of £150 it meant, for incomes just over that, 150 and odd pence for every penny of tax,

or more than 450 pence with a 3d. tax. This was too sudden a jerk, and it was objectionable on the ground that it exposed men to the temptation of endeavouring to keep under the margin by offering so large a bonus. The hon. and gallant Member for Galway (Captain Nolan) suggested that £150 should be deducted from all incomes; but that was open to the objection that incomes just above £150 would have to be taxed upon one or two or a few pounds, which would be impracticable, for it would not be worth while to collect the tax upon the first £10; and it was open to the further objection that it would be absurd and involve an unnecessary waste of revenue and a great deal of unnecessary trouble to deduct it from incomes of thousands a-year, the possessors of which would not feel it. There remained the third alternative—to adopt the system at present adopted, make £150 the total limit of exemption, and above that amount deduct such an amount as would make the first payer of Income Tax pay upon something like a sensible proportion of his income. With the deduction of £80 from £100, the first payer paid upon £20, which at 3d. was 60d. more than the man who paid nothing. With the deduction of £80 from £150, that income would pay three times 70d., or 210d. more than the income that did not pay at all. It appeared to them that was too great a difference, and that by raising the deduction to £120 the income of £150 would pay upon £30, or, at 3d., 90d. At present the first who paid would, at 3d., pay 60d.; at the £150 limit he would pay 210d.; but by raising the deduction as proposed to £120, he would pay 90d. These were the reasons why it was considered the raising of the limit of exemption ought to carry with it the alteration of the limit of deduction and the amount of deduction. At present the man of £300 paid on £80 more than the man below him; this was a difference of about 26½ per cent. If he paid on £120 more the difference would be 40 per cent, which would be too great a jump; but by carrying the limit of deduction up to £400 the difference, which was now 26½ per cent, was only raised to 30 per cent. These were the calculations on which they proceeded in fixing the limit of deduction at £400. The result might be arrived at in another way—they

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raised the limit of exemption from £100 to £150, or 50 per cent; raised the amount to be deducted by 50 per cent, or from £80 to £120; and might have raised the limit of deduction by 50 per cent, which would have brought it to £450. That did not seem to be a reasonable amount to propose; it lay between £400 and £500, and they gave the benefit of the doubt, in the anti-communistic sense, by putting it at £400. Until the matter came to be discussed in the House, he did not think the feeling or interest of any particular class was ever mentioned. For a considerable time past the matter had been discussed outside the House, and various suggestions had been made in favour of some extension of exemption and deduction in respect of small incomes; and he believed it would have been difficult, if not impossible, to have resisted altogether some Motion in that direction. He, therefore, believed the Government had acted wisely, if only with the view of settling the question, in making proposals of a moderate character, analogous to the existing arrangements, and containing no elements of danger. It was said, without much reflection, that they were doing a dangerous thing in not calling upon a large number of persons to bear some of the burdens of the country. That objection might possibly be taken with regard to those who were exempted altogether; but it must be remembered that persons with incomes between £150 and £400 were not exempted altogether, but only to a certain extent relieved. He had now told the simple history of this proposal, and he really did not think there was anything in it which should call forth the alarm which had been expressed. He fully agreed that if it were proposed to tax the poor more lightly than the rich it might lead in a dangerous direction at some future time, but that was not the principle on which they proceeded. The principle on which they proceeded would be rather a safeguard against such a proposal, and the power of maintaining an equal balance between direct and indirect taxation would be strengthened.

MR. GOSCHEN said, he hoped the speech of the Chancellor of the Exchequer had removed the doubts which had arisen in the minds of hon. Members who sat on the benches behind him in regard to this proposal; but he must

say he had puzzled many Members on both sides of the House by his arithmetical calculations. Indeed, the right hon. Gentleman appeared to have some difficulty in explaining his arithmetical puzzle to himself. The result of the proposal, however, was that they were to lose a large tax-paying power between incomes of £300 and £400, and exemptions were to be extended when a considerable body of taxpayers were called upon to bear additional burdens. The right hon. Gentleman had said that his right hon. Friends the Member for Greenwich (Mr. Gladstone) and the Member for the University of London (Mr. Lowe) had in their exemptions placed the argument on sentimental grounds while he placed it on arithmetical grounds; but why did he not adduce that argument on introducing his Budget? He then spoke of the struggling tradesman, the widow and the orphan.

THE CHANCELLOR OF THE EXCHEQUER said, there was no such statement in his Budget speech. When he made that statement it was in reply to a Question which had been put to him.

MR. GOSCHEN accepted the explanation. The right hon. Gentleman had himself resorted to the sentimental argument, and his arithmetical puzzle was only produced when hon. Members opposite seemed to think the subject had been sufficiently discussed. He thought the right hon. Gentleman had been guilty of a little mystification; and if his scale meant anything it meant graduation of the Income Tax. He (Mr. Goschen) thought it was deeply to be regretted that such exemptions were to be granted at a time when the majority of the ratepayers were to have fresh burdens imposed on them. There were many who, with incomes above £150, would actually be paying less with a 3*d.* tax than they did before. It showed how dangerous it was to advance from step to step and point to point. They should look at the matter broadly and clearly, and ask if it was right to raise a new class of exemptions from £300 to £400. That was the real issue. The only excuse which the right hon. Gentleman had to offer for his policy was that the Liberal Party had set him the example, but that was really no excuse at all. He hoped the Committee

would not be carried away by the arithmetical calculations of the right hon. Gentleman. He should support the Amendment of his right hon. Colleague.

MR. GREGORY regretted that the Chancellor of the Exchequer declined to give way on this point. For his part, he had a very strong objection to these exemptions. He thought that they had carried too far the principle of exemptions. It was one not to be justified, and he hoped it would not be extended.

MR. P. A. TAYLOR said, that the speeches made on the opposite side ignored the most important element in the case, and that was indirect taxation. They had now two systems of taxation, the direct and the indirect, between which, as had been shown, there was this diversity, that under direct taxation a man paid in proportion to his means, while under indirect taxation he paid in the inverse ratio; the tax falling heaviest on the smallest means. He did not think it came well from perhaps the richest Assembly that ever met in the world to say to the necessitous classes of their countrymen that if they gave up all the little luxuries of life they might exempt themselves from taxation altogether. Taxation upon tea, which was now in almost universal use, might be regarded in the light of a tax. Tables had been elaborately made out which showed that the poor man with £50 or £60 a-year paid in indirect taxes 8, 10, or 15 per cent on his income, while the loudest complaints were made in that House over a three-penny income tax, which amounted of course to 1½ per cent only. It was idle, therefore, to talk of the introduction of socialism by means of exemptions, when those who were exempted had to pay 10 or 15 per cent on the articles they consumed. He did think that as there was to be an increase of taxation the Government had chosen the right mode of laying on the increase and of extending the exemptions.

Amendment negatived.

SIR JAMES LAWRENCE moved, in page 3, line 26, to leave out "is less than," and insert "does not exceed," on the ground that it had been found that, wherever the former words were used, they led to numerous evasions.

Mr. Goschen

THE CHANCELLOR OF THE EXCHEQUER was reluctant to change the words as they stood, though he did not think whichever set of words were used it would make any material difference.

Amendment, by leave, withdrawn.

Clause 9 (Certain offices to continue chargeable under Schedule E, and other offices transferred to Schedule D).

MR. THOMSON HANKEY said, it was proposed in this clause to do away with an easy, cheap, and simple mode of collecting the tax, in order to substitute a most expensive, offensive, and objectionable mode of collection. The Income Tax paid by clerks in the Bank of England and in the Departments of the Civil Service, by officers of the Army and Navy, and by persons in the employ of joint-stock firms, was now collected by the authorities or by the respective firms under Schedule E, and handed over in lump sums to the Income Tax Commissioners. It was now proposed by Clause 9 to abolish that system in the case of joint-stock firms, and to bring the clerks in these cases under Schedule D, when they would have the benefit of being allowed to be taxed on the average of their previous three years' income, instead of being taxed upon that of the single year. Thus the clerks in the Bank of England would be treated differently from the clerks in the London and Westminster Bank; but if it were an advantage to them to have the three years' average, why should not the Bank of England clerks enjoy it as well as those in the London and Westminster and in other Banks? In his opinion, the system of a three years' average of income was meant for persons in trade, who suffered from the vicissitudes of trade, and might have profits amounting to £1,000 in one year and no profits at all in the year following. The system was not meant to apply to clerks whose salaries were either fixed or were subject to an annual increment; but if the system were an advantage to clerks it was unjust to make it exceptional. Another objection to the clause was that it would greatly increase the labour of collection, for in the City of London alone 18,000 persons would be separately assessed under Schedule D who were now returned by the heads of 50 or 60 establishments in which they were employed. He should propose to leave out the whole of Clause 9.

THE CHANCELLOR OF THE EXCHEQUER said, this was a matter which had been suggested to him by the Board of Inland Revenue. There appeared to be considerable inequality in the manner in which clerks and other persons employed by private firms were treated, as compared with such persons when they were in the service of joint-stock companies. The absurdity had frequently occurred that when a private firm became converted into a limited company, the clerks employed by it were immediately transferred from Schedule D to Schedule E, and so lost the advantage which they had previously enjoyed of having their incomes calculated upon an average of years instead of upon a single year. It was not a matter of very great importance as affecting the receipt of revenue; but he was told by the authorities of the Inland Revenue, who must be the best judges of the matter, that the proposal in this clause would greatly simplify the working of the Act, and that the balance of advantage was in favour of making the change, which would, no doubt, operate more in the City of London than in any other place. Nobody would be the worse for the proposal, and it would meet a certain number of cases. He had referred the matter to the Board of Inland Revenue.

MR. GOSCHEN said, they ought, no doubt, to accept with great respect the opinion of the Inland Revenue authorities; but, at the same time, he thought the Chancellor of the Exchequer had not met the arguments adduced by his hon. Friend (Mr. Hankey). Indeed, he did not think the right hon. Gentleman had thoroughly mastered those arguments. If the change would benefit one class of clerks, surely it ought to be extended to all clerks. His hon. Friend had had such great experience in this matter in his official capacity as a Commissioner of Income Tax that his opinion might be fairly set against that of the authorities of the Inland Revenue. He trusted that the Chancellor of the Exchequer would re-consider the matter.

MR. J. G. HUBBARD thought the proposed change was greatly to be deprecated. It would be injurious to the tax and unjust to the taxpayer, and therefore he hoped the right hon. Gentleman would accept the Motion of the hon. Member for Peterborough.

THE CHANCELLOR OF THE EXCHEQUER said, that this was really a matter of a technical character, and as he was quite prepared to admit that the hon. Member for Peterborough had a very large experience in the collection of the tax in the metropolis, where the change would operate most forcibly, he attached great weight to what his hon. Friend said. Although he found that the officers of the Inland Revenue were not satisfied with the arguments which had been adduced, and although they thought the loss of advantage on the one side was more than counterbalanced by the gain on the other, yet the arguments were so fairly balanced that the Government would not be doing an ungraceful thing by accepting, at least for this year, the advice of his hon. Friend the Member for Peterborough, as the matter was one of comparatively little importance.

Clause negatived.

Remaining Clauses agreed to.

THE CHANCELLOR OF THE EXCHEQUER moved, in page 2, after Clause 4, to insert the following Clause:—

“(Alteration of duties on licences to retail wine for consumption on the premises.—Section 14 of 6 Geo. 4, c. 81, repealed as respects wine licences.—Alteration of scale of abatement to meet alteration of duties.)

“(4a.) In lieu of the Duties at several rates now payable under the Acts of the sixth year of the reign of King George the Fourth, chapter eighty-one, and of the third and fourth years of Her Majesty's reign, chapter seventeen on licences to retailers of foreign wine, and under the Act of the twenty-third and twenty-fourth years of Her Majesty's reign, chapter twenty-seven, and the Act of the same years, chapter one hundred and seven, on every licence to any licensed keeper of a refreshment house to sell therein by retail foreign wine to be consumed on the premises, there shall be paid for each such licence the uniform duty of £2 4s. 1d.

“So far as regards any such licence as aforesaid to be granted under the said Act of the sixth year of the reign of King George the Fourth, chapter eighty-one, the provisions contained in the fourteenth section of the said Act are hereby repealed.

“In lieu of the scale of abatement contained in section nine of the Act of the twenty-fourth and twenty-fifth years of Her Majesty's reign, chapter ninety-one, the following scale shall be substituted, and the said section shall be read as if the said scale therein contained had been as follows (that is to say):—

“Where the house and premises in respect of which such licences shall be granted shall in England be under the rent and value, or in Ireland under

the value, of thirty pounds	£	s.	d.
a-year, an abatement of	0	7	4
" And where the same shall be			
of the rent or value of thirty			
pounds or upwards, an abate-			
ment of	0	17	10 "

The right hon. Gentleman said, that the object of this clause was to substitute a uniform system of taxation for the privilege of retailing wine, and to place it at £2 4s. 1d. There were two scales of wine licences at present. If a licence to sell spirits was taken out, then the wine licence was £2 4s. 1d., but if there was no wine licence then there was another duty. It appeared that, in point of fact, there were very few cases in which the distinction applied, but it told rather hardly on some classes of persons. The loss to the Revenue would be less than £5,000; but the abolition of the distinction he considered to be necessary. The duty of £2 4s. 1d. would apply to all houses retailing wine.

MR. BRISTOWE asked, was the object of the clause to abolish the distinction which existed in the licences paid by the owners of houses rated under and over £50, £5 5s. in the one case, and £3 3s. in the other? He should like to have some further explanation of the proposed provision. Was the object to abolish this distinction, and make all pay £2 4s. 1d.?

THE CHANCELLOR OF THE EXCHEQUER said, that was the object.

MR. BRISTOWE thought they should have an explanation why the higher rate was to be abolished and £2 4s. 1d. substituted.

THE CHANCELLOR OF THE EXCHEQUER said, he was sorry the Home Secretary was not in his place at the present moment. The fact was the Board of Revenue had suggested this clause to him, and he had referred to the Home Secretary for the purpose of ascertaining his opinion, whether it would in any degree affect the principle of the licensing law, because he was aware it was the intention of the Revenue authorities to make no distinction in that respect, and he understood from the Home Secretary that he saw nothing in it which would create any difficulty as to the rating of the houses. As to the third class of licences to which incidental allusion had been made, he should make inquiry on the subject to see in what manner they would be effected by the alteration of

licence duty, and mention the matter on the Report.

MR. FORSYTH said, that wine retailers in houses under £50 a-year paid for a £3 3s. licence, and those over £50 for a £5 5s. one, whereas licensed victuallers paid for a £2 4s. 1d. one. The object was to place wine retailers and licensed victuallers on the same footing, but the beerhouses had nothing to do with the matter. The clause was a just and equitable one, and he hoped it would be agreed to.

MR. WHITWELL thought the clause did not go far enough. Something ought to be done to make the licences more equal.

Clause read a second time.

On Motion "That the Clause be added to the Bill,"

MR. DODSON expressed a hope that the words of the clause would be made more clear than they at present appeared to be.

Clause agreed to.

MR. J. W. BARCLAY moved the following clause:—

(Gun licences, exemption for farmers.)

"Guns used by farmers or persons employed by them exclusively for the protection of their crops, shall be exempted from Licence Duty."

The hon. Member said, that the depredations committed on farms in Scotland, and no doubt in England, every winter and summer by wild birds were so extensive that it was necessary to have some one employed with a gun for their protection. Owing to the protection which had been afforded to wild birds by the Legislature, their number had enormously increased and they had become a source of irritation to the farmer, as often as he saw the damage which they did to his crops. It was quite true that the farmer had power under the Act of Parliament to use a gun with his own hands; but it was specially provided that he should only use it for the purpose of killing vermin or of scaring birds away. If the farmer shot a bird, and did not possess a licence, he was subject to a penalty. There was great difficulty felt by farmers in Scotland in getting boys to scare away the birds from the farms, and the farmers considered that they had a grievance. He appealed to

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the Vice President of the Council, who was opposed to the employment of young children, whether farmers, in the existing state of things, should not at least be allowed to use firearms, either themselves or by some one they might employ, for the purpose of protecting their crops. The right hon. Gentleman the Chancellor of the Exchequer had told him last year that he did not consider that it was a grievance to the farmers that they should have to pay this 10s.—that it was a matter of little consequence. But the right hon. Gentleman had dealt with a much smaller grievance in the matter of the Income Tax, for the 10s. licence on a gun was equal to the income tax on an income of £160. The grievance the farmers experienced was keenly felt because the tax was an unjust one. The Chancellor of the Exchequer might count upon the patience with which farmers bore this taxation, and the other grievances to which they were subjected; but he would venture to warn the right hon. Gentleman that to this patience there was a limit, and he had no doubt that by-and-by, when the farmers found that they could not get redress, they would give effect to their views. He did not propose the total abolition of the licences, because on former occasions he had not been supported by the Representatives of boroughs, although it was a matter which concerned such hon. Members to a considerable extent; but irrespective of other interests concerned, he based his clause for exemptions on the grounds that it was necessary in the interests of the farmers. There was no reason why a farmer should be prevented from using a gun, either himself or through his agent, in the terms of the clause, exclusively for protecting his crops, unless the licence was intended to be an additional Game Act. He had no doubt that in many instances it had that effect, and hon. Members opposite no doubt knew that it had considerable effect in the protection of game.

New Clause—(*Mr. James Barclay*,)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

GENERAL SIR GEORGE BALFOUR reiterated his often repeated statement that he would be glad to see the gun

tax abolished, and supported the clause. He had frequently advocated the transfer of these taxes and others of a like character from the Imperial Exchequer to the localities, and he reiterated this advocacy. He thought if the Chancellor of the Exchequer could not see his way to a remission of the tax, both the gun tax and the dog tax might be collected and used for local purposes, and in diminution of the grant now so unwisely made from the Consolidated Fund in aid of, or rather, it might be said, as an encouragement to local extravagance in outlays. This, he thought, would be a financial benefit, inasmuch as the taxes would be made to realize larger returns than at present, for with the assistance of local knowledge it would be easy to graduate the rates of the two taxes, so as to levy high rates on those who kept useless or pet dogs, and those who kept and used guns for luxurious or enjoyable objects, in contradistinction to low rates on guns and dogs now obliged to be kept by parties for useful purposes. These changes would prevent evasions of the tax, and remove much of the dissatisfaction that existed among farmers with regard to both.

THE CHANCELLOR OF THE EXCHEQUER reminded the Committee that every person who carried a gun was liable to a small tax, with certain exceptions, and among them this—that gun licences need not be taken out by the occupier of any lands for the using or carrying a gun for the purposes of scaring birds or killing vermin upon such lands, or for any person so using the gun upon any lands the occupier of which should have a licence for killing game. The object was to tax the farmer who required the gun for other purposes than these. He thought that the law provided sufficiently for the protection of crops, and any person who required a gun for other purposes should pay the tax. The Amendment would not limit the use of the gun to the particular lands, nor to the scaring of birds or to the killing of vermin. Under the Amendment a farmer might invite any number of friends, saying he employed them, to have a day's rabbit shooting for the protection of his crops. This would break down the whole principle of the Bill, and therefore he could not assent to the Amendment.

SIR GEORGE CAMPBELL said, he had always looked upon the gun licence as a game-law in disguise, and the words of the Chancellor of the Exchequer confirmed him in that opinion. The hon. Member for Forfarshire (Mr. Barclay) complained of the want of support from the borough Members; but he (Sir George Campbell) willingly supported any proposal directed against the gun tax, and wished that his hon. Friend as a county Member, had extended his exemption to boroughs, and not restricted it to his agricultural constituents.

SIR ALEXANDER GORDON said, that the tax operated unjustly upon small farmers, who were prevented by it from using means to protect their crops. He took exception to the use of the word "persons," believing that this might indirectly encourage poaching by affording an excuse for that class to carry guns under the pretence of protecting their crops. He suggested that "farm servants" should be used instead of "persons."

Question put.

The Committee *divided*:—Ayes 44; Noes 106: Majority 62.

Bill *reported*; as amended, to be considered *To-morrow*.

COMMONS BILL—[BILL 51.]

(*Mr. Assheton Cross, Sir Henry Selwin-Ibbetson.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Assheton Cross.*)

MR. FAWCETT, in rising to move—

"That, in the opinion of this House, this Bill does not give adequate protection to the interests of the rural labourers, and does not provide proper securities against the inclosure of those Commons which it is desirable to preserve in their uninclosed condition for the use and enjoyment of the people."

complained that no adequate opportunity for discussion had been afforded upon the second reading of the Bill, and that it had been kept upon the Paper night after night, all that could be got from the Government being simply that it should not be brought on at an unreasonable hour. The matter had been most carefully considered, and

after that consideration, he contended that there were five cardinal objections against the Bill. In the first place, it gave no security against inclosures being illegally made, and without the sanction of Parliament; secondly, the provisions which the Bill contained for the regulation, as distinguished from the inclosure, of commons were most unsatisfactory, and would prove inoperative; thirdly, the Bill contained no adequate security that when an inclosure was sanctioned the interests of the public, and especially of the poor, would be adequately cared for; fourthly, the Bill left an indefinite discretion to the Inclosure Commissioners, gentlemen who had hitherto always pursued the policy of doing everything in their power to favour the inclosure of commons; and, fifthly, on a subject as to which the law ought to be made clear and simple, the law must become confused and unintelligible, because that Bill was based on the Preamble of the Act of 1845, which declared that it was expedient to facilitate the inclosure of commons. How had the Government met those objections to the Bill? The Government had pursued an unusual course, and one which was not calculated to promote good legislation. The Home Secretary assured the House, when he was moving the second reading of the Bill, that he would be the last man in the world to "steal the common from the goose." The intentions of the Home Secretary or of the Government were never doubted; but it was not with intentions or wishes that the House had to deal. The intentions of the Government, however good they might be, were beside the question if, as he contended, the Bill would operate in exactly the opposite way to that in which the Home Secretary wished it to be regarded. It would be little satisfaction to the hard-working artizans and the dwellers in large towns, when they found themselves deprived of the enjoyment of their accustomed places of recreation in the suburbs or in the country, to be told that that injury had been inflicted upon them contrary to the intentions of the Home Secretary. That right hon. Gentleman had accused him, on the last occasion when that subject was under discussion, of having made a personal attack on absent men, because he had commented on the conduct of the Inclosure Commissioners. Now, he

would assume that the Commissioners had faithfully carried out their instructions. They might say that they had been appointed to administer an Act of Parliament which told them in its Preamble that it was desirable to facilitate the inclosure of commons; but if that line of argument was adopted, what became of all those professions made by the Government in regard to preserving the use of those commons for the hard-working dwellers in towns, when the Preamble which constituted the instructions of the Commissioners in the past, and which was put forward as the justification of their inclosure policy, was to continue in full operation in the future? The Commissioners must be guided by what was embodied in the Act of Parliament, not by the speeches which had been made about it. The spirit of encroachment was abroad, and there was nothing more difficult to resist. Take, for example, the beautiful commons around this metropolis, every one of which had been in imminent peril of being sacrificed to this spirit of encroachment by the lords of the manors. Plumstead Common was saved by the energy of the junior Member for Rochester (Mr. Goldsmid). Wimbledon Common was saved by the public spirit of the hon. Member for Mid-Surrey (Sir Henry Peek). Berkhamstead Common, by the interference of the late Mr. Augustus Smith, and Epping Forest had been saved by the Corporation of London, at an expense of £20,000, from the accidental circumstance of their purchasing a burial ground which gave them the right of common. Encroachment was an illegal act. Why, then, should it be impossible to resist encroachment, unless a commoner happened to have sufficient wealth and public spirit to involve himself in a lawsuit for the protection of public right? The remedy for that state of things was to a certain extent contained in the Bill itself. According to Clause 22, an encroachment on a village green was to be deemed a public nuisance, and he believed it was open to any person to proceed against a person who committed an offence of that description. Consequently, if the principle of Clause 22 were applied to all commons, it would not be necessary, as it was under the present law, that encroachment should be resisted only by commoners. So far the Bill went in the right direction. It

was proposed also that cases should be tried, in the first instance, in the County Court. No doubt that provision would be of some utility, but it was defective in certain vital points. In the first place, it did not give an ordinary person the *locus standi* of a commoner for the institution of proceedings against an encroacher; and, secondly, it allowed an appeal to be made to a higher Court. With respect to the latter point, it was perfectly certain that if a poor commoner attempted to resist an inclosure, he would be threatened with an appeal, and thus practically reduced to silence. The Home Secretary had declared that the object of the measure was to retard the inclosure and promote the regulation of commons, but these intentions were not clearly expressed in the Bill. According to the Bill it would be found that in order to obtain a Provisional Order it was necessary in the first instance that application should be made by one of those who were legally interested in the commons, and that when the Provisional Order had been framed it was necessary that it should obtain the consent of two-thirds of those who were legally interested before it could be put in operation, and also of the lord of the manor. Now, it was evident that the lord of the manor would not be pecuniarily interested in the regulation of a common, but would be pecuniarily interested in its inclosure, and the public interest would consequently suffer. When a scheme of regulation was brought forward the lord of the manor would probably withhold his consent to it, and then the Commissioners, seeing no chance of regulating the common in question, would come to the House and say it was in a very unsatisfactory condition and that the only way of improving it was to have it inclosed. What chance would independent Members then have of successfully opposing the recommendations of the Commissioners? Another objection to the Bill was that in cases where inclosures were sanctioned it did not sufficiently provide for the protection of the interests of the public, and especially of the rural labourers. Again and again inclosures had been made in which no provision had been made for the public wants. Not many years ago the Commissioners proposed to inclose 7,000 acres of land, and six acres only were reserved for the poor and three for the

public. Was it necessary to say more to show that great caution ought to be exercised in dealing with this subject? Every one of these Bills for the inclosure of commons, it was said, would be referred to a Standing Committee of that House. He did not think that would be sufficient to meet the requirements of the case; for, although a Standing Committee might very well decide whether or not an inclosure should take place, it would be cumbrous and difficult for such a Committee to determine what should be the exact amount of common reserved for the public and the poor. A great amount of public feeling existed on this question out-of-doors. A spectacle altogether without a parallel had lately been witnessed in that House. The conduct of the Government on a certain matter was called in question. How did the Government think they could best maintain their position? They knew they would have an overwhelming majority, but they thought a great additional strength would be given to their position if a great number of Petitions were presented in their favour. The entire country was ransacked from one end to the other; every Conservative Association from Land's End to John o'Groat's was brought in aid by the active exertions of St. Stephen's Club. But the result of all these efforts was that they got from the entire country only about the same number of Petitions declaring confidence in the Government that were presented from the rural labourers against the present Bill and the injustice of giving them so little protection under it. The labourers knew, and the House knew, that if they had had 50 Representatives there this measure would not have been treated in the manner it had been treated. No Prime Minister would have come forward to say that a reasonable time for discussing such a Bill as this was an hour before the House broke up. It should be borne in mind that when a common was once gone the labourers, as a class, lost for ever valuable rights of property. Some years ago, in many of the rural villages, most of the labourers kept a cow, some poultry, and pigs. Throughout those villages now a single labourer could not be found who had a cow or a pig. He had heard clergymen and others say that one of the most crying wants of the rural districts, one of those from which the poor suffered most severely, was the

difficulty of obtaining milk; and that had arisen from the inclosure of commons. Compensation might be given to the present generation, but the next would get nothing, whereas the right of common attached to the locality and could not be bartered or sold. Within about a century no fewer than 5,500,000 acres of common land had been inclosed in this country, and all that the rural poor had got was a beggarly fragment of a few thousand acres. What had become of those 5,500,000? They had gone from the poor and the public, and were added chiefly to the estates of the great proprietary. This policy, of which he complained, was inflicted upon the rural poor as long as 80 years ago. The fourth objection he had stated to the measure was, that it left too much discretion to the Inclosure Commissioners, whose policy in the past had been to facilitate inclosures. They had acted on the principle that inclosures should be made, whatever might be the change of circumstances, whatever the expression of public opinion, whatever the wants of an increasing population. This was no exaggerated description. He would mention a fact that would throw a most instructive light on the conduct of the Inclosure Commissioners. In 1872, when the late Government were in office, an Inclosure Bill was brought before the House. How were those who opposed it met? The Report of the Inclosure Commissioners was brought up against them. What did that Report say? It said they were only going to inclose a few hundred or thousand acres out of 8,000,000 acres, the amount of common land in England, or one-fifth of the entire area of England and Wales. Something occurred to induce the belief that this estimate was wrong, and two years afterwards, in 1874, the Inclosure Commissioners, being pressed for more precise information, said the common land of England was only 2,700,000 acres. How did they obtain this information? From the Tithe Commutation Report. Yet that Report had been open to them when they two years before so egregiously misled the public and the House by their extravagant estimate of 8,000,000 acres. He, therefore, said, after that fact, it would be unsafe to entrust great discretion and power to such a body. But that was not all, for, on reference to a recent official Return, he found that the quantity of common

land was only 1,500,000 acres—that was to say, less than a fifth of what it was on the authority of the Inclosure Commissioners only four years since. To show that the Inclosure Commissioners were not in the least degree influenced by expressions of opinion in that House, or by the almost unanimous opinion of the Press of this country of all shades of political opinion, he wished to direct the attention of the House to the Report for the present year of the Inclosure Commissioners. That Report showed that no fewer than 34 commons in different parts of England, containing more than 18,000 acres, were scheduled for inclosure. Some of them were in the heart of the most densely-peopled parts of our manufacturing districts. Others of them presented some of the most beautiful scenery in the country. On reading the Report no one could come to any other conclusion than this, that the Commissioners brought forward every fact and circumstance that could justify inclosure, while—whether by accident or design he would not say—every fact that could induce them not to sanction the inclosure was omitted. Take, for instance, the common of Wisley, containing about 375 acres. The Commissioners said it was “covered with rough grass and heath.” Could the most lively imagination conceive that the common thus described had been conclusively shown before a Select Committee to be one of the most beautiful commons in England, and that if its inclosure were sanctioned, they would deprive for all time to come the millions who lived in London of some of the most beautiful moorland scenery in Surrey? Another common of 31 acres was situated in the heart of the Potteries, in the midst of a population of 40,000, and within two miles of a hard-working closely-confined population of 200,000. That common was also scheduled for inclosure, so insatiate was this greed for land. They would find in the Schedule another common of 3,000 acres, and it was only proposed to reserve four acres for the recreation of the people. He had something still worse to tell. There was a charming heath at the Lizard, and out of 600 acres it was proposed to reserve a strip to allow the public a stand point from which they might view the beautiful scenery around Kynance Cove. There was another common in the neighbourhood of Sheffield of 225 acres, and one

of the reasons given for inclosing it was that it was used by people from Sheffield for training for foot races. This might not be a very elevated amusement; but was training for foot races worse than shooting tame pigeons at Hurlingham? There ought to be a little consistency if they persisted in carrying out this crusade against the amusements of the people. Another common, situate in the parish of Wolverhampton, was asked to be inclosed because it was covered with gorse and ling and heather; but he asked why it was that the working classes in these densely-populated districts should not enjoy beautiful heather and gorse as well as other people? But the reservation in that case threw a remarkable light on the policy of the Commissioners. Out of 287 acres of this common in a densely-populated locality four acres were reserved for a recreation ground, not enough for a cricket ground! They made that reservation, they said, because it was sufficient for the people in the immediate locality. They treated people who came from a distance as trespassers. He wished to know how it happened that the Home Secretary exempted the commons scheduled in the Report of the Inclosure Commissioners for this year from the operation of this Bill? If the object of the Home Secretary was to resist inclosures and to promote the regulation of commons, surely these 34 commons ought to be brought within the operation of this Bill. His fifth objection to this Bill was that it would repeal only seven clauses of the Act of 1845, and, consequently, more than 70 clauses of that Act would still continue in operation. This was a question on which legislation should be simple, clear, and precise. It dealt with the rights of the poor and they ought to know how those rights were to be protected. But they would be lost in a mass of hopeless confusion if they attempted to discover what portion of the Act of 1845 had a bearing on this Bill. If, as the Home Secretary said, the House was going to reverse its past policy, and would no longer encourage but retard inclosures, would it not be better to repeal all legislation which was based on an entirely different policy, and to embody in this Bill the new policy which the right hon. Gentleman said he proposed? No one would rejoice more than himself if the interpretation he

had put upon the Bill should prove to be incorrect. The Government might and would pass away, and their intentions might be forgotten; but this Bill would, for good or evil, affect the interests of millions yet unborn. When the Conservative Party was led by a great statesman 30 years ago he declared that there was no subject on which it was more important to exercise watchfulness and caution than in sanctioning the inclosure of commons. The blunders of a Government might be repaired, an unjust law might be repealed, an unjust tax might be remitted; but a common once lost was lost for ever. No money could restore it, and no effort would bring it back. Once this Session the Prime Minister taunted some of those who sat on this side of the House with being mere economists; but he (Mr. Fawcett), and others along with him, were determined, resolutely and persistently, to maintain the principle that the worst and most mischievous of all economies was that which, for the sake of aggrandizing the few and making a paltry addition to the productive wealth of the country, would sacrifice those open spaces where the toiling millions could breathe the fresh air of Heaven and behold the beauties of Nature unspoiled by man. The hon. Member concluded by moving his Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, this Bill does not give adequate protection to the interests of the rural labourers, and does not provide proper securities against the inclosure of those Commons which it is desirable to preserve in their uninclosed condition for the use and enjoyment of the people,"—(Mr. Fawcett,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GOLDNEY said, that no one who had heard the speech of the hon. Member for Hackney could doubt his zeal and anxious desire to promote what he believed to be the interests of the people; but he (Mr. Goldney) felt obliged to take a totally contrary view to that of the hon. Member, whose Amendment, if carried, would be injurious to the working poor, and especially to the rural population. The hon. Member assumed that the one person most anxious to en-

courage the inclosure of commons and to shut out the people was the lord of the manor. Now, he had known a good deal of the public working of the Inclosure Act in large ranges of country, and especially in Wiltshire and Somersetshire, where there were a great number of commons, many of which had been inclosed. In all these cases the interest of the lord of the manor had been infinitesimally small—not exceeding a sixteenth, an eighteenth, or a twentieth part, and the parties who were favourable to the inclosure were the commoners, who thought they had not the enjoyment of the commons to which by right they were entitled. The lord of the manor had the right of sporting and general control over the commons, and, as a rule, he was glad to keep it its former uninclosed state. The hon. Member who had made so touching an appeal to the House ought to divest himself of the idea that it was the lord of the manor who wished for inclosure. Since these obstructions had been raised to inclosures a large number of commons had been inclosed without the necessity of troubling the Inclosure Commissioners at all. Under the general term of commons were included a number of lands that did not answer to the general acceptance of the term. There were a great number of towns where the freemen only were entitled to the exclusive use of pasturage, and that was one of the cases with which this Bill proposed to deal. It enabled the locality to appropriate public funds to the purchase of those interests, and to separate land, appropriating one portion to recreation purposes, and another to the providing of gardens for the poor; and he thought nothing could be more satisfactory than the carrying out of such objects. One of the principal arguments of the hon. Member for Hackney, in which the hon. Member for Reading (Mr. Shaw Lefevre) concurred, was that no common at all should be inclosed, and that everything should remain in its present state. If they looked into the Domesday Book they would find that the common land exceeded in some counties one-fourth of the whole area of the county. There were large tracts of common land at the present moment in Cumberland, Westmorland, and the North Riding of Yorkshire, with an exceeding small population, and were they to be told that nothing was ever to be done to bring these tracts of land

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into cultivation? He could not understand those who professed to represent the interests of the great body of the people contending that tracts of hundreds of thousands of acres were to be left in their present state, except such portions of them as happened to be in the vicinity of large towns; and he hoped it would be long before Parliament would ignore private rights when a Bill was introduced to facilitate the purchase of them for the public advantage. The Commissioners had no interest in the matter, and construed the Act according to the best of their ability, and although they might differ from the views of the hon. Member for Hackney it should be remembered that their proceedings had been endorsed by Parliament when Provisional Orders made by them had been adopted. Now, if the Commissioners had acted for a long series of years in conformity with the views of Parliament was it right to say that they had been pursuing a wrong course? As to the common near Sheffield mentioned in the last Report of the Commissioners, he believed there was a strong feeling in the town in favour of the inclosure of it, and that some of the inhabitants had petitioned for its inclosure. It might be inferred from speeches that had been made in the House adversely to this Bill on its introduction that it mainly affected village greens, which rich men were trying to appropriate; but it was a Bill of a much more comprehensive character. It provided for every interest being heard and even called upon to express its views, and it would not allow anything to be done within six miles of a town of 5,000 inhabitants without the authorities of that town asserting the claims of its population. A valuable provision was that, in the interests of the public and with public funds, the interests of commoners might be brought up; and it was of no use to attempt to ignore private rights, as was done in the case of Leicester Square, until they were affirmed by a Court of Law, when the generosity of a private individual rescued it from its dilapidated condition. Allusion had been made to the great commons in the neighbourhood of the metropolis, and a considerable amount of censure had been cast on the lords of the manors. Now, if ever an act of public spirit had been shown in this country it was by the lords of the manors and the holders of land on the great commons of Wimbledon, Blackheath,

and Hampstead, where they had given up their rights to the public for nominal considerations ["No, no!"] and it was poor encouragement to others to do likewise if they were to be taunted with having endeavoured to rob the public. A valuable part of the Bill was that it was to be an essential part of every inclosure scheme that full consideration was to be given to allotments for gardens and recreation; and if the parties concerned were content and came to arrangements for their own advantage and that of the public, a Bill to enable them to do so was surely a salutary measure. The rejection of the Bill would sacrifice many advantages which its provisions would secure.

MR. COWPER-TEMPLE said, there were three courses open in dealing with the subject of commons; one of these was the question of inclosure; another was to regulate them, and the third was to leave them alone. Inclosure might be best financially for private parties, regulation best for them and for the public too, and to leave the commons alone best for the public. In former days, when there was a prospect that the produce of the United Kingdom might not be sufficient for the support of the population, there was a great inducement to increase their produce; but now, when so large a portion of the corn and meal consumed in this country was brought across the Atlantic or from the Eastern parts of Europe, there was not that pressing necessity to get as much food as possible out of the soil of the country. What the public desired was not so much that a large portion of food should be produced in this country instead of being imported from abroad, but that they should be able to use the land that would not be profitable in tillage but would suffice for the recreation of the people; and, looking at the interests of the public, he thought that a great portion of waste lands had better remain waste than be converted into private property. People talked as though by stopping inclosures you took away property. This was not the fact; but, on the other hand, by allowing inclosures you substituted private for joint rights, and thereby gave to individuals property of marketable value which otherwise they would not enjoy. The conditions under which commons now existed were far more beneficial to the poor than inclosures could be. It was

true that if a common were inclosed the commoners for the time being received some trifling compensation; but their successors received no compensation, and lost all the advantages which they would otherwise have possessed. It was also of great public advantage that open spaces should be left open to all the world for purposes of health and enjoyment. He hoped that the portion of the Bill relating to inclosure would not be proceeded with. Let them try what could be done by a complete system of regulation. The Commissioners might occupy themselves with the regulation of commons. If this failed, it would be time enough to legislate on the question of inclosure. He was confident that all the public objects which were to be derived from inclosure would be obtained by a good system of regulation, leaving the commoners' rights undisturbed, and providing for the proper and satisfactory use of the commons.

MR. SANDFORD said, he quite agreed with the hon. Member (Mr. Fawcett) in thinking that the Bill did not go far enough, but he asked whether the objects of the hon. Gentleman might not be secured by allowing the Bill to go into Committee? He confessed that the more he had considered the measure the less he liked it. It did not carry out what he was sure was the object of the Home Secretary—to prevent the inclosure of commons. The objections to the existing law were that it gave undue facilities to the lords of manors, because of the expense and uncertainty attending any attempt to resist inclosure. This was the defect which must be remedied by any new legislation; but the Bill was not well framed to accomplish this end. It would have been far better, in his opinion, to repeal preceding Acts on this subject, and to lay down clearly what should henceforth be the law relative to it. At present there were 14 statutes already in existence, and the present Bill, if it passed, would have to be construed with reference to all of them. What would then be the position of the poor commoner? The Bill and the Acts would be a puzzle for the Attorney General himself, and much more so for him. It bore evidence of the conveyancing mind having been applied to it, and the tendency of that mind was to make the law confused and unintelligible. When the hon. Member for Hackney objected to

the conduct of the Inclosure Commissioners he scarcely did them justice, because they had only done their duty seeing that the Act of 1845 declared that it was the policy of the Legislature to promote inclosures. The whole advantage of the Bill was, in his opinion, contained in Clause 8, which gave a *locus standi* and power of purchase to sanitary bodies. The great advantage of that might be seen in the fact that it was owing to the City of London having a *locus standi* in the case of Epping Forest that rights of the public in that forest had been asserted and maintained. He had himself a few years ago proposed a clause of a similar nature. Notice had been given of an Amendment that for the future no inclosures should be legal which had not Parliamentary sanction. That was going too far, because it would be only reasonable that commons should be inclosed with the consent of the lord of the manor and of the commoners. But what he would suggest was that no inclosure should be made except with the authority of Parliament, or by the lord of the manor going before a properly constituted authority and showing that he had the consent of all persons possessing manorial rights. He held that the need which might formerly have existed for inclosures existed no longer. They might import corn, but they could not import open spaces; and when once commons were inclosed that was taken away which could not be supplied again. It was the duty of the Legislature, and especially of this branch of it, which nominally at least represented popular rights, distinctly to affirm that it would in the future regard with a vigilant and jealous eye all measures for the inclosure of those open spaces which were so valuable for the comfort, the health, and enjoyment of the people.

LORD EDMOND FITZMAURICE said, he had no doubt that the Home Secretary was actuated by a highminded and honourable wish to settle a question which the more he considered it the more he must admit to be surrounded with intricacy and difficulty. The law of inclosure was bound up with ancient statutes and customs, and however easy it might be in this House or elsewhere to appeal to the jealousy of large assemblages on the subject, when a responsible Minister of the Crown had to deal with such a question down to its smallest details the difficulty of the task ought to

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be acknowledged; therefore, though it was his misfortune to differ from the Home Secretary, he felt that the right hon. Gentleman had made an honest, manly, and straightforward attempt to settle the question, and that in the speech in which he introduced the measure he was not open to the charge of making an attempt to mislead the House. He felt bound to add, with regard to the Inclosure Commissioners—although he thought their policy a mistaken one—that they also had been actuated by an honest and sincere desire to do their duty; and when they read the Preamble of the Act of 1845, under which they proceeded, it would be seen how difficult it was for them to take any other course than that they usually followed. He could not consent, therefore, to bolster up a cause which he believed to be good by attacks on a Minister or a Commissioner. But what had happened this evening? It appeared from the speeches of hon. Members that the Bill had got no friends. All, with one exception, had attacked it and said the more they looked at it the less they liked it, the sole and solitary defender of the measure being the hon. Member for Chippenham (Mr. Goldney). His hon. Friend had good reason for his language. His hon. Friend had told the House that inclosures might be made otherwise than by the fiat of the Inclosure Commissioners. He, like his hon. Friend, had the honour of being an inhabitant of the county of Wilts, and not long ago he had been asked for some advice for the protection of the people living in the neighbourhood of a common which once existed, but which existed no longer, against what they believed to be the illegal and arbitrary conduct of the hon. Member for Chippenham. The statement made to him by a man of the highest honour was that if the case could be tried at law, a certain inclosure made by his hon. Friend, or by his advice, would be declared illegal. If an examination was made of all the inclosures which had taken place since 1755, when the rage for inclosure first set in, it would be found that they were almost invariably made at the wish of the lord of the manor. The lord of the manor believed he had certain rights, and in exercising those rights he naturally said to those who opposed him—"If you object to my exercising them the Courts are open to you;" and theoretically the

Courts of Law were open to rich and poor alike. The House, however, had to recollect that the commoners, who were generally poor and ignorant, had to go through an expensive, a long and round-about process in order to establish their rights; this required the accumulated toil and learning of experienced lawyers to render it of any use, and they generally declined to adopt any such course. A fence was then run round the common by the lord of the manor, and remaining undisturbed gradually gave him a good title to what was really the property of others. If this Bill, indeed, was to be looked at solely as a measure for regulating inclosures subject to the fiat of the Inclosure Commissioners, it might be commended, but more was required. In proportion as they made inclosures difficult under the Inclosure Commission they would add to the temptations of every lord of a manor to carry out his inclosure himself—to snap his fingers at the Commissioners, to run up his fence, and take his chance in the Courts of Law. That was an undesirable state of affairs, and therefore he had agreed to oppose the Bill. In order, however, to really understand this question in its broader aspect hon. Members must go much further back than the Act of 1845, and the mere claims of the lords of the manor and the commoners—they must look to the ancient statutes which regulated the law of inclosure—the statutes of Merton and Westminster, and of Edward VI. Those statutes marked important eras in the law of landed tenure in this country. The noble Lord then proceeded at considerable length to sketch the history of inclosures in England from the earliest times to the present day, showing that originally the inhabitants of every parish were regarded as having a right in them, that these claims were gradually ousted by the exclusive claims of the lords of the manor and the commoners, but that the idea of the right had never perished from the minds of the people, and that the clauses of the Act of 1845 which enabled the Commissioners to set out allotments and recreation grounds could not be defended on any other supposition, otherwise they could only be regarded as a partial confiscation of the property of the lords and the commoners. He then went on to say he agreed with the hon. Member for Chippenham, that in the long run everything which benefited the landlord was good in

the long run for the tenant, and eventually for the labourer. Yet he would appeal to the Report of the Commission on the Employment of Women and Children in Agriculture to show that there probably never was a period when the labouring classes of England were, on the whole, so prosperous as during the 17th century and the beginning of the 18th century, when inclosures were at their minimum; or a period when their condition was so miserable as during the latter part of the 18th and the beginning of the 19th century, and the first part of this century, when inclosures were at their maximum. It was that condition of affairs which led to the insertion in the Act of 1845 of the clauses he had just mentioned. He was now asking that those permissive clauses of that Act should be made compulsory, and that all inclosures, without exception, might be brought under the control of the Commissioners. It was true that no one had done more than the hon. Member for Chippenham for the poor in Wiltshire in the way of setting out allotment grounds; but still a rental was charged for them, and they were not to be compared to the allotments set out on an inclosure. This question had been thrashed out by two or three Committees, and the last accepted a compromise proposed by the Secretary to the Treasury, which was almost exactly the same as the Amendment now on the Paper in the name of the hon. Member for Reading (Mr. Shaw Lefevre), providing as a condition of every inclosure that one-tenth of the whole common should be set aside for recreation grounds or gardens. It could not be supposed that any proposal of a Communistic or revolutionary character could come from a distinguished Member of the present Government. Yet this Bill did not make the slightest use of that suggestion. In "another place" a Bill founded on the recommendation of the same Committee was only thrown out on the third reading by a majority of 2. He acknowledged, however, that that Bill contained nothing on the subject of illegal inclosures. He had been very anxious to state his views on this subject. He knew that no rights could vest in the public. He did not suppose that the people of Dover could have rights in a common near Sheffield; but there were rights exercised over commons by the persons residing there, other than

Lord Edmond Fitzmaurice

the commoners, and these had already been to a certain extent recognized by the Act of 1845. That recognition he desired to carry further, and also to stop illegal inclosures so as to protect the agricultural poor generally, and the consumers also.

MR. KNIGHT said, the noble Lord who had just spoken had, he doubted not inadvertently, completely misrepresented the state of landed property at the time of Edward VI. and the other Tudor Sovereigns. So far from its being a period of inclosures, it was the time when extensive clearances (similar to those which had taken place in Scotland during the last century) were made all over England. Henry VII. abolished the feudal system, and the nobles and large landowners soon found that money and not men would in future be their chief necessity. For the next century and a-half the Statute Book teemed with Acts of Parliament having for their object the prevention of clearances. From the Preambles of some of these Acts they learnt that villages, and even towns and churches were pulled down, and the country devastated, to make place for enormous flocks of sheep belonging to the lords of the soil. One Act especially set a limit to the number of sheep that one individual might possess; another said that for every cottage pulled down another must be built. Numberless were the expedients which were tried and failed. The clearances continued until the much misrepresented Settlement Act of Charles II. put a final stop to them. By that Act a poor family turned out of their home might be carted back to the parish they came from, which was bound to find them in food, lodging, and maintenance. He (Mr. Knight) would not follow the noble Lord into his antiquarian researches. At the time the Domesday Book was made every acre had an owner. There was no land belonging to the public, and it was enough for him that since the Norman Conquest the titles to waste lands had been quite clear. The soil had been the property of the lord of the manor, subject to certain perfectly defined rights of the commoners. He (Mr. Knight) had gone to the root of the matter in several manors, and he could tell the House how the existing state of things had arisen. Every manor had originally been a single property under a grant generally from the Crown to one indi-

vidual as lord. The lord had from time to time sold or leased off some portion or all of the inclosed lands, granting to the holders of such lands the right of depasturing their cattle, with various other easements, on the lord's waste, as the uninclosed part of the property or manor was called. By the common law, confirmed by several statutes, the surplus of the waste not required to satisfy the rights of the commoners or holders of the land so disposed of, remained the property of the lord. No one, except the lord and the holders of the land possessing such rights, could have any possible claim to the common. Such rights could not from their nature attach to any person, but to certain specified lands and houses only. In 1845, when the Inclosure Bill was brought into the House of Commons, no English Member had any doubts as to the law of commons, or urged any claim on behalf of the public. The opposition to the Bill came from an Irish and a Scotch Member. Now as there never was a manor or anything resembling one in Ireland or Scotland, it was hardly possible that such Members, however well versed in rural matters, could know anything about English manorial law. Mr. Sharman Crawford, the Irishman who moved the rejection of the Bill, said—

“If the pasturage of cows on commons was subject to proper regulation, it would be of great benefit to the poor man.”—[3 *Hansard*, lxxxii. 15.]

But no man, rich or poor, could turn his cow upon a common, unless he held land that gave him a right to do so. It would doubtless be of great benefit to the poor man if he could turn his cow in Windsor Park, and he had as much right there as on a common. The hon. Member for Hackney (Mr. Fawcett), had made use of the same argument about the poor man's cow, and had made a similar attempt to raise a feeling in the House about a claim that did not exist. Mr. Sharman Crawford's arguments were not against inclosures, but in favour of them. He thought the commons belonged to nobody, and he wanted them to be divided into infinitesimal plots, and to be given to the poor. Mr. Hume, the Scotchman, who seconded him, evidently knew as little about it as the Irishman—

“In his opinion, and as he interpreted the law, they (the commons) comprised lands never granted to any individuals, but belonging to the

Crown, for the benefit of the public. But he had taken the precaution before speaking to consult a legal friend, and he was sorry to have learned from him that commons were all private property.”—[*Ibid.*, 23.]

These speeches were answered, and the law of the case was laid down by Viscount Palmerston, then sitting on the Opposition benches. He said—

“Nothing, he believed, could be more indisputable in point of law than that the common land of the country does not belong to the community at large, but to a certain number of individuals resident in the neighbourhood. There was no question but that all the commons in the country were the property of some one, or of some set of persons. . . . As to this Bill being to the prejudice of the labouring classes, he considered that it was a Bill essentially for the interest of the agricultural labourers. . . . Setting aside the temporary employment that would be afforded before the inclosures could be completed in the draining, the fencing, the ditching the lands, and in the erection of the variety of buildings which would be consequent upon the inclosures, there would be a permanent additional employment to the agricultural labouring classes to the extent of one labourer and his family finding employment for every 50 acres of land. . . . It should be called a Bill for the improvement of the condition of the agricultural labouring classes.”—[*Ibid.*, 26, 27, 28.]

The hon. Mover of the present Amendment (Mr. Fawcett) had repeatedly referred with great approbation to the speech of the hon. Member for Reading on the second reading of this Bill. He (Mr. Knight) could not agree with the arguments of that hon. Member. He advocated the confiscation of the property of one set of men, who were so unfortunate as to have incurred his displeasure, in order to give it without compensation to another class, of whom he constituted himself the champion. The hon. Member knew, however, what he was about, for he told the House that unfortunately both common and statute law declare that commons were private property. This did not please him. He said he thought the law as it stood was “opposed to the spirit of modern legislation.” The House ought to be highly obliged to the hon. Gentleman for having gone on explicitly to state what he meant by that expression. He meant, he told them, “opposed to the spirit of the first French Revolution”—opposed to the spirit of the decrees of the National Convention of 1794—that glorious year of the triumph of murderous and unbridled liberty which he asked the House to emulate. The facts were these—At

the beginning of the French Revolution, in 1788, the National Assembly decided upon getting rid of all feudal rights and properties, of which manorial wastes very similar to our commons formed a part, but they decided at the same time that the owners of such property should receive compensation for their loss—the compensation was never paid. In 1794 the National Convention abolished the compensation and gave the commons to the communes. He (Mr. Knight) went far with the National Assembly. If it were necessary for the health of our great wealthy and ever-increasing urban population that certain commons should belong to them, by all means let them have them. But let them make full and fair compensation to their present owners. This was not, however, what the hon. Member for Reading asked them to do, such half measures did not suit him. He asked them to step over the first stage of compensation and jump at once to the decrees of the Convention of 1794. How far did he wish them to follow that body? Their next decree was to confiscate all corporation property; then all Church property; then all the landed property of the nobles; and then they confiscated the heads of the owners of all these properties, lest at some future turn of the wheel they should come back and claim their land again. He (Mr. Knight) could easily show the House that half measures would not suit the hon. Member for Reading. In the Committee of 1865 on Open Spaces near the Metropolis his hon. Friend the Member for Maldon (Mr. Sandford) moved the following Resolution:—

“Your Committee are of opinion that power should be given to the Metropolitan Board of Works to purchase manorial or common rights over commons within 15 miles of the metropolis.”

The Resolution was defeated by a bare majority, and by whom did the House suppose the casting vote was given? Why, by our French revolutionist—by the hon. Member for Reading—and yet the Resolution pointed to the right direction in which legislation ought to move. A clause had been introduced into the Inclosures Act Amendment of 1852 which permitted 50 acres of any common to be sold with the consent of the lord and two-thirds of the commoners. If 50 acres, why not the whole common? Some commons were

Mr. Knight

not 50 acres in extent. Why should not Parliament do its utmost to facilitate the acquisition by purchase of suburban open spaces, by urban authorities, under the superintendence of the Inclosure Commissioners? That was not, however, the view the hon. Member for Reading took of the matter. He was for stepping over the timid counsels of the National Assembly, and boldly proclaiming, with the Convention of 1794, that the oldest and longest established rights of property in these islands, titles which were at least as old as the Anglo-Saxon race, were to give way, without compensation, to claims which he himself allowed were opposed to all common and statute law—claims which he had himself, in great part, invented, were to supersede titles to the ownership of land which had existed for centuries before the tenure in fee-simple by which we now held land was ever thought of. Nothing short of that would satisfy the hon. Member for Reading, and the party who was acting with him. The ownership of a common was nearly allied to corporation property; though the titles were far more ancient. It belonged in certain undivided shares to certain individuals. If their rights were invaded by Parliament in favour of what the hon. Member for Reading called the public, he (Mr. Knight) would ask what corporate property would be safe for a twelve month after such a precedent, if the public wanted it?

He would now read to the House a very curious letter received since the last debate from a neighbour of his, a capital sportsman. He said—

“Dear Mr. Knight,—Having seen in the newspapers that there is a Commons Inclosure Bill before the House of Commons, I wish to bring before your notice a case which happened on my father's common several years ago—viz., that a tourist then staying at Lynton was roaming about our common, and, after sitting down to his lunch, he set fire to the most valuable part of the common for black game and the wild red deer. We found out where he was staying at Lynton, and he gave his name as a Mr. Shaw Lefevre, a son of the Speaker of the House of Commons, or his nephew,”

the writer forgot which. His correspondent added that he had to ride about collecting men to beat out the fire, but they did not succeed in extinguishing it before the burning of about 130 acres. [Mr. SHAW LEFEVRE: What year?] The letter did not say. Great part of this common was now devoted to the service of the public. It was devoted to the

maintenance of the wild red deer. Persons were kept off the common during eight months of the year, and during the other four months the public were free to gallop over it. He (Mr. Knight) did not say that municipalities should be prevented from obtaining commons near great towns, but there should be facilities for inclosing in other places. A Committee of the House of Commons could distinguish perfectly the places where commons should be inclosed and where they should not. He believed that this Bill, if it conferred more assistance upon towns to acquire this kind of property, would be a very good Bill indeed.

Mr. SHAW LEFEVRE assured the House that he would not detain it at very great length; in the first place, because his hon. Friend the Member for Hackney (Mr. Fawcett) had covered the whole ground, and, in the second place, because he addressed the House at some length on the second reading of the Bill. He was quite prepared to bear most ample testimony to the good intentions of the Home Secretary. Nothing could be more satisfactory than the statements made by the right hon. Gentleman on various occasions. He had declared that the main object of the Bill was to put a stop to inclosures, and to regulate rather than inclose commons; and he had quoted the well-known lines, which, he believed, were taken from *Hudibras*, though he (Mr. Shaw Lefevre) had never been able to find them—

“The law condemns both man and woman
Who steals the geese from off the common,
But does not punish, what's far worse,
Stealing the common from the goose.”

Mr. ASSHETON CROSS: The last two lines should run—

“But lets the greater felon loose
Who steals the common from the goose.”

Mr. SHAW LEFEVRE said, that the Bill did not appear calculated to carry out the intentions of the Home Secretary in three important lines of policy. In the first place, it would not put a stop to illegal and arbitrary inclosures not sanctioned by Parliament. In the next place, the Regulation Clauses would not, as the right hon. Gentleman hoped, be put into operation by the lords of manors and the commoners. He had some experience of regulation schemes for commons. The Metropolitan Commons Act had the ad-

vantage that such schemes might be applied for by any single commoner, any six ratepayers, or any local authority, such as the Metropolitan Board, or the vestry of the parish in which the common was situated. But notwithstanding such facilities, very great difficulty had been found in getting any one to apply for a regulation scheme. Under the Regulation Clauses of this Bill it was necessary that one-third of the commoners interested should apply, that two-thirds should consent before the scheme was finally approved by the Commissioners, and the lord of the manor had a veto on the scheme. With all these provisos it would be found absolutely impossible that any regulation scheme should take effect under this Bill. In fact, the Bill, so far from putting a stop to inclosures, was likely to promote them, and it was remarkable that there was not an Amendment on the Paper by any hon. Member who was in favour of the inclosure of commons. They had accepted it as an Inclosure Bill, and they had supported it as such. But the greatest objection to the Bill was that it did nothing to stop inclosures made not under the Inclosure Acts but arbitrarily and illegally. It was true that in the neighbourhood of London attempts of that kind had been resisted with success; but it was at enormous expense. In short, these inclosures could not be abated except at the enormous cost of a Chancery suit. The hon. Member for West Worcestershire (Mr. Knight) appeared to look upon him (Mr. Shaw Lefevre) as an incendiary of a double dye. He had accused him, in the first place, of setting fire to a common in Devonshire. Now, all he could say was that he had not been in the neighbourhood of Lynton since he was an Eton boy, and if the circumstance took place he was not aware of it. His second incendiary act was alluding to what took place at the French Revolution. He had merely referred to that as a matter of historical interest, and perhaps a warning to Members like the hon. Gentleman. He reminded them that before the Revolution similar disputes arose between the lords and the people in respect to the commons of France, and that all these disputes were settled by an Act of the French Convention, which handed over all those commons to the communes. Another objection to the Bill was that it was entirely contrary to the recommendations

of the Committee of 1871, of which he was Chairman, and which, after much evidence had been taken and full deliberation, recommended that no common should be inclosed without leaving at least one-tenth of the whole free from all charge for the use of the public. All these matters were by this Bill to be left to the discretion of the Inclosure Commissioners. The Home Secretary believed that the Bill would have great effect in promoting regulating schemes instead of inclosure schemes; whereas Gentlemen on the Opposition side believed that as regarded the promotion of those schemes the measure would be practically nugatory. He would, however, suggest that the right hon. Gentleman should confine his Bill at present merely to regulating schemes, and postpone the whole question of inclosure for a certain period. He should suspend the operation of the Inclosure Act for five or 10 years, and during the interval try what would be the effect of his regulating schemes. He thought that that, on the whole, would be the best practical solution of the present difficulty. It could matter very little if inclosures were put off five or 10 years longer; and it was far more important that the regulating schemes under the Bill should have a fair chance. He did not go the length of saying that there should not be any inclosure at all. There might be cases in which it would be beneficial, but it would certainly not be promoted by this Bill. The right hon. Gentleman had told them that the question of commons had made rapid progress; but possibly its future progress would be still more rapid. He fully admitted that the Bill would be an improvement of the law as it at present stood, but that was not the question the House had to consider. What they had to consider was how to put the matter at rest for ever, whereas by passing this measure they would still leave it open. If the hon. Member for Hackney went to a division he would vote for his Motion.

MR. ASSHETON CROSS said, he was very glad that they had had that discussion on the Bill, and he had listened to the speech by which the debate had been introduced with great pleasure. As to the suggestion which the last speaker had been kind enough to make—namely, that the Government should confine the Bill to the regulation of commons, and leave the question of

inclosures alone, he thought it was better to say at once that that was advice which it certainly would not be possible to accept. The hon. Gentleman had given two conclusive answers to his own suggestion. The hon. Member had first said—"Pray stick to the regulation clauses," and then afterwards observed—"If you do they will be absolutely useless." The hon. Gentleman further suggested the adoption of the regulations under the scheme of the metropolitan commons, because he said they were better than the regulations proposed in the present Bill; but it should be remembered that under that scheme no right could be taken from any man except with his consent, and that although three or six ratepayers might start the scheme, yet it could not be carried out without such consent, or without compensation being given under the Lands Clauses Act. That was a very different scheme from the one now before the House. The hon. Member further said that the inclosure part of the scheme was not proceeded with. But he himself answered that observation by saying that if inclosures under the Inclosure Acts were stopped, lords of the manor would press their power to inclose without coming to Parliament at all. He (Mr. Cross) would only add on that point that no one had studied the subject more deeply than the hon. Member, and that he was only sorry his name could not appear on the back of the Bill. The noble Lord who had addressed the House on this subject (Lord Edmond Fitzmaurice) had complained that he (Mr. Cross) had on a former occasion gone too far back into history; but the noble Lord had himself referred further back still, to the earliest period of English history, while the description he had given did not convey a correct impression of the actual state of things at the period to which he had adverted. It had been contended that unless certain proprietary rights in the commons were possessed by the public, the Act of 1845, in providing recreation grounds, &c., practically sanctioned confiscation. But that was not the way in which Parliament had looked at the matter. What Parliament had said was this—that people would be protected in their existing rights so long as they were content with them, but that if they wanted additional rights they might obtain them on the condition of doing something for the public. A bargain in

fact was made by Parliament with the possessors of certain rights. That was the principle of the Act of 1845 and of the present Bill. After hearing all that had been said in the debate, the conclusion to which he had come was, that every hon. Member who had spoken against the Bill did so because the Bill was so good. More than one hon. Member on the other side of the House had said that in so many words. They had said the Bill was so good that it would actually stop inclosures under it. [Mr. SHAW LEFEVRE: Who said so?] The hon. Member for Maldon, amongst others, had said so. [Mr. SANDFORD: No.] The principal ground of the objection of hon. Members opposite was that no provisions had been inserted in the Bill to stop what they called illegal inclosures. The first objection of the hon. Member for Hackney (Mr. Fawcett) was that there was no protection in the Bill against illegal inclosures. This was not the first time the question had been before the House. Bills had been brought in by Members of the late Government, and in none of those measures had there been the slightest shadow of an attempt to deal with illegal inclosures. They had dealt simply with the amendment of the Inclosure Acts—what they had professed to deal with—and this Bill was framed in the same spirit. It was objected that the Bill would tend to facilitate inclosures. The existing Acts gave too great facilities for inclosures. The present Bill was intended to put restrictions upon those who applied for inclosure, and to provide safeguards so that no inclosure should take place unless it was one that ought to be permitted. The hon. Member for Hackney asked why they did not prevent the illegal inclosure of commons. No doubt there were illegal inclosures; but there were a great many which were perfectly legal. The lords of the manor and the commoners had certain rights, and there was no power to deprive them of such rights unless compensation was given to them. He hoped no British Parliament would ever consent to a scheme of pure confiscation such as was involved in many of the proposals that had been made. Suppose the case of a manor, with one lord and one commoner only, would anyone justify an attempt to prevent these persons agreeing to an inclosure if they wished to effect it? It had been stated

that several commons had been saved for the public by the exercise of power possessed by single individuals, yet it was now sought to deprive such persons of the power which had been exercised to so much advantage. It was most important in dealing with a question of this kind that great care should be taken not to interfere with the undoubted rights of individuals. It had been urged that no question of more importance in reference to this subject could be raised than the prevention of illegal inclosures. But it seemed to be forgotten that the Bill proposed to deal with this very question and also to give power to local sanitary authorities to purchase such manorial and commonal rights as were saleable in order to provide recreation grounds for the people. The hon. Member for Hackney asked why he had not applied the same rule to the commons that he had applied to the village greens. There were two reasons. In the first place, the village green practically belonged to the village; and, in the next place, there could be no possible difficulty in defining the boundaries of the village greens. If they could define all the boundaries of commons there would be little difficulty in dealing with the matter. The whole question as to regulation of commons resolved itself into one of compensation or no compensation, and he could not consent to any proposal which would involve the taking of property without affording proper compensation. Then the hon. Member said—“You will never get anybody to go for regulation; everybody will go for inclosure.” But the hon. Member had overlooked one provision of the Bill. When the lord and commoners came for a scheme, they might either apply for an inclosure or for a regulation scheme. If they applied for an inclosure scheme the Commissioners would require special information, as to the advantages which the applicants anticipated from inclosure as compared with regulation. In other words, the applicants must make out a special case for inclosure as against regulation, and they must also state the reasons why an inclosure was expedient when viewed in relation to “the benefit of the neighbourhood.” These words were interpreted in the Preamble to mean—

“The health, comfort, and convenience of the inhabitants of any cities, towns, villages, or populous places in or near any parish in which

the land proposed to be inclosed, or any part thereof, may be situate."

This was probably as strong a provision as could well be enacted for regulation as against inclosure. But then the hon. Member said that if the inclosure was made there was no adequate protection for the neighbouring poor, that the Act of 1845 had worked indifferently, and that though the proposal of a Standing Committee was good as far as it went, it was not satisfactory. Perhaps he might explain what was really proposed. In the case of expiring Turnpike Acts the practice had been to refer all these Acts to a Standing Committee of the House, who year by year reported what was to be done with them. The inclosure schemes would be referred to just such a Committee. At present the schemes passed by the Inclosure Commissioners were placed in the hands of the Secretary of State, who then brought in a Bill backed by the whole strength of the Government. He agreed with the hon. Member that this was an improper proceeding, and that it was high time to put a stop to it. These schemes were brought forward for private advantage, and there was no reason why the Government should interfere for the purpose of passing them into law. He proposed, therefore, that the schemes of the Inclosure Commissioners should be referred to the Standing Committee, who would report what schemes should be placed in the Bill. The evidence which the Committee would have before them would be the same as was required for the information of the Commissioners, and would include the parish or place in which the common was situated, the population of the neighbourhood and the distance of the common from any town, the intention of the applicants in inclosing, the statutory provision as to the benefit of the neighbourhood, any ground other than the common which was available for the recreation of the neighbourhood; and the site and suitableness of the allotments, if any. The Committee were also to inquire whether the application ought to be acceded to, having regard to the benefit of the neighbourhood. Every safeguard was therefore taken that the Committee should have every information before it. The hon. Member for Hackney, in order, as he said, to show how strong was the feeling against the Bill, stated that there were as many

Petitions against it as in its favour. Now he thought very highly of the right of petitioning Parliament, but he was also of opinion that it was very much abused, and if the present system of getting up Petitions went on some check would have to be put upon it, but only for the purpose of giving force to all Petitions from private persons, and that were not got up in the manner to which he referred. All he could say was that if these Petitions were based upon no better foundation than a book published by the Commons' Preservation Society, they were not worth the paper they were written on, because if there ever was a description given of a Bill that was untrue, and which concealed everything in favour of the Bill, it was the pamphlet he held in his hand. The hon. Member for Hackney (Mr. Fawcett) said that the Bill contained no protection for the labouring poor. He must remind the House that a Committee sat to consider this subject, and they made certain recommendations, every one of which had been put into the Bill. Some of those recommendations were of the greatest possible importance. The hon. Member for Reading (Mr. Shaw Lefevre) had made a complaint of the absence of any statutory limit as to the proportion of every common assigned for recreation. He admitted he had not inserted the statutory limit, but he claimed credit for having taken it away, and he thought it very much better that every case should be judged of by itself and on its own merits. The hon. Member for Hackney said that the Inclosure Commissioners included all these schemes in their annual Report. All this, however, was changed, and under the Bill every scheme would be presented separately with the fullest information in regard to each. The only other objection was that the Bill left too much discretion to the Inclosure Commissioners, who, the hon. Member declared, were always crying "Enclose! Enclose!" His answer was that he had put the strongest possible control over the Commissioners by means of the authority of a Committee of that House. Wherever an Inclosure Act was now applied for the parties concerned had only to agree, and they could come to Parliament and ask for a private Act of their own. The Bill would put a stop to that system. Was it not infinitely better also not to put the persons who

objected to an Act to the expense of bringing their witnesses to London, but to let the Commissioners go down and call a meeting on the spot at which every person who had an objection to raise could be heard? He must say he thought the hon. Member for Hackney had been too hard on the Inclosure Commissioners. One of the first Commissioners was Lord Lincoln, who brought in the Act of 1845. He agreed with the hon. Member that a great number of particular schemes ought not to have become law. But when the hon. Member asked him to make these schemes an exception from the Bill it would be necessary for him to see the provisions of these schemes, and to satisfy himself before he confirmed the Provisional Order, whether they ought not to be set down again. The only other objection raised to the Bill by the hon. Member for Hackney was founded on the Preamble. The hon. Member said it was a great pity not to consolidate the whole of the Inclosure Laws. He would have been very glad if that could have been done; but he must add that those Acts had been framed with great care, and he did not think they could be improved. He had also taken care to see that everything unnecessary had been struck out, and there would be no difficulty in dealing with them. The objection to the Preamble appeared to be that it did not state—"whereas it is not expedient to go on inclosing," but the Preamble did say—"whereas it is expedient to bring under the notice of Parliament any circumstances connected with proposed schemes of inclosure having reference to public as well as to private rights, and whereas it is expedient to give further facilities to the Inclosure Commissioners," &c. Such, at all events, were the intentions of the framers of the Bill, and when they came to the Committee if the hon. Member for Hackney had any Amendment to propose in the Preamble he would have the opportunity of bringing it forward. No one on this occasion had found fault with the details of the Bill. The hon. Member for Reading said why not put off inclosures for 10 years, and by that time they would know what the country really wanted. But they knew that already from the speeches of the hon. Members for Hackney and Reading, and the opinions of those who had published the book to

which he had referred. Everything they had hitherto asked was granted in this Bill, and what they now wanted was that there should be no inclosures except under this Bill. That being so, they came straight to the question of property, and he was not prepared to come forward and prostrate the interests of those whose rights were affected. He need not detain the House any further. He hoped and believed this Bill would carry out everything he had stated on its introduction. He was much obliged for the good intentions which had been ascribed to him. He valued good intentions only so far as they were embodied in the Bill. He believed the Bill did carry out those intentions; it would be a great safeguard for the future, and he hoped would insure for the people the free use of those commons for a long time to come.

Mr. SHAW LEFEVRE stated that he was mainly responsible for the Report which had been denounced by the right hon. Gentleman in strong terms. He wrote the greater part of it, and he stood by every word of it. It contained nothing more than he had said in that House on the second reading. ["Order!"]

Mr. SPEAKER informed the hon. Gentleman that, having already addressed the House, he could not make a second speech.

Question put.

The House divided:—Ayes 234; Noes 98: Majority 136.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

Bill considered in Committee.

(In the Committee.)

Motion made, and Question proposed, "That the Preamble be postponed."

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Sir Charles W. Dilke.)

Mr. ASSHETON CROSS said, he did not wish to proceed with the Bill in Committee at once. He simply wished to dispose of the Preamble, after which he should be perfectly willing to consent to Progress being reported.

MR. FAWCETT objected even to that, as there would be a most important discussion on the Preamble. ["Oh, oh!"] Hon. Members did not appear to know how much this question would be discussed. Although beaten in the division which had just taken place, they would not be disheartened.

Question put.

The Committee *divided*:—Ayes 89; Noes 185: Majority 96.

Question again proposed, "That the Preamble be postponed."

MR. RYLANDS moved that the Chairman leave the Chair. It was said by hon. Gentlemen opposite that the Opposition was unreasonable in the course they were pursuing; but he must say the supporters of the Bill on the Ministerial side of the House were the party who were unreasonable in trying to press the Bill on at so unreasonable an hour. He assured the supporters of the Bill that it was not by a spirit of factious opposition that he and those with whom he was acting were actuated.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. Rylands.*)

LORD HENRY SCOTT appealed to the Opposition to allow the Bill to be proceeded with, and also to the hon. Gentleman to withdraw his Motion.

MR. BERESFORD HOPE, though sympathizing with the general object of those who wished to prevent the inclosure of commons, regretted that hon. Gentlemen opposite were making a faction fight, instead of taking this opportunity of legitimately criticizing details in Committee.

THE MARQUESS OF HARTINGTON hoped the Government would not ask the Committee at that hour to take any step, however formal, or show a disposition to prevent discussion.

THE CHANCELLOR OF THE EXCHEQUER said, of course the Government had no wish to prevent discussion; but as there had now been two opportunities of discussing the principle of the Bill, which had been affirmed by a very large majority, he trusted the Committee would allow this formal step to be taken.

Question put.

The Committee *divided*:—Ayes 79; Noes 165: Majority 86.

MR. DILLWYN said, he did not think the principle of the Bill had been fully discussed. Many Members were anxious to speak upon it; but after the Home Secretary had addressed the House they had no chance of doing so.

CAPTAIN NOLAN said, it was now very late, and as they were likely to have a very long Sitting to-morrow night in discussing the Irish Land Tenure Bill, he moved that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Captain Nolan.*)

EARL PERCY hoped the Government would not yield to what he could not characterize otherwise than as a factious opposition.

SIR WILLIAM HARCOURT denied that the noble Lord had any right to impute factious motives to the Members on the Opposition side of the House. He considered his language most unusual.

THE CHANCELLOR OF THE EXCHEQUER thought that to have a discussion on the principle of the Bill on the question that the Preamble be postponed was unusual and contrary to the spirit of the Rules that governed their proceedings. He would not, however, object under the circumstances to Progress being reported.

Question put.

The Committee *divided*:—Ayes 80; Noes 105: Majority 25.

SIR PATRICK O'BRIEN moved that the Chairman do now leave the Chair, on the ground that it was not usual to have a Bill of that importance discussed in the absence of Cabinet Ministers.

SIR WILLIAM HARCOURT said, they had seen a spectacle that evening which had never before in his experience been witnessed in that House. They had seen Gentlemen who were responsible for the conduct of their Party voting against the Chancellor of the Exchequer, and the Minister who had charge of the Bill. The Chancellor of the Duchy of Lancaster (Colonel Taylor)

and the hon. Baronet the Member for Mid Kent (Sir William Dyke) had voted against their leaders. Such a course was inconsistent with the decent conduct of Public Business. If such conduct were persisted in, that House would soon become a bear garden. ["Oh, oh!"] They might cry "Oh," but as soon as the Conservative Party refused to follow its own leaders the conduct of Public Business would become impossible.

MR. ASSHETON CROSS said, he had not withdrawn from the House, and was anxious to proceed with the Bill; yet if the hon. Baronet who had moved that the Chairman leave the Chair, would withdraw his Motion, they would then report Progress, and he would proceed with the Bill on Monday.

SIR PATRICK O'BRIEN said, he would withdraw his Motion on the assurance of the right hon. Gentleman that Progress would be immediately reported.

Motion, by leave, *withdrawn*.

Committee report Progress; to sit again upon *Monday* next.

LOCAL GOVERNMENT PROVISIONAL ORDERS, BRISTOL, &C. (NO. 6) BILL.

Order for Committee read, and *discharged* :—Bill, so far as it relates to the City of Bristol, committed to a Select Committee, to be appointed by the Committee of Selection, as in the case of a Private Bill.

Ordered, That, subject to the Rules, Orders, and Proceedings of this House, all Petitions which have been presented during the present Session against the Bill be referred to the Committee; and such of the Petitioners as pray to be heard by themselves, their Counsel, or Agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the Bill against the said Petitions.

PARLIAMENTARY ELECTORS REGISTRATION BILL.

On Motion of Mr. BOORD, Bill to amend the Law for the Registration of Parliamentary Voters in England and Wales, *ordered* to be brought in by Mr. BOORD, Sir JOHN LUBBOCK, and Mr. GRANTHAM.

Bill *presented*, and read the first time. [Bill 169.]

MEDICAL ACT (QUALIFICATIONS) BILL.

On Motion of Mr. RUSSELL GURNEY, Bill to remove restrictions on the granting of qualifications for registration under the Medical Act on the ground of sex, *ordered* to be brought in by Mr. RUSSELL GURNEY and Mr. JOHN BRIGHT.

Bill *presented*, and read the first time. [Bill 170.]

House adjourned at half after Two o'clock.

HOUSE OF LORDS,

Friday, 26th May, 1876.

MINUTES.]—PUBLIC BILLS—*First Reading*—Admiralty Jurisdiction (Ireland) * (95).
Second Reading—Trade Union Act (1871) Amendment (73).
Select Committee—Report—Ecclesiastical Offices and Fees * (93).
Committee—Report—Local Government Provisional Orders, Briton Ferry, &c. (No. 4) * (87); Local Government Provisional Order, Skelmersdale (No. 5) * (88).
Report—Ecclesiastical Offices and Fees * (3-94).
Third Reading—Partition Act (1868) Amendment * (52); Statute Law Revision (Substituted Enactments) * (82); Pier and Harbour Orders Confirmation (Aldborough, &c.) * (78), and *passed*.

PARLIAMENT—THE WHITSUNTIDE RECESS.—QUESTION.

EARL GRANVILLE rose to ask a Question of the Lord President. He believed the progress of Business in that House was satisfactory. Indeed, it was admitted the other day that it compared favourably with the work done in "another place." But still he did not think they were over-burdened with Business, and he rose to ask the noble Duke the Lord President of the Council, What proposition he intended to make with regard to the the Whitsuntide Holidays?

THE DUKE OF RICHMOND AND GORDON said, he expected that the Customs and Inland Revenue Bill would come up from the other House on Monday and would be read a first time that evening. Should that be so, he should move the suspension of the Standing Orders on Tuesday with the view of having the Bill read a second time, and passed through its remaining stages at the sitting of Tuesday evening. If this should be accomplished he would propose that their Lordships should adjourn from Thursday next until Tuesday, June 13.

ARMY—RESERVE FORCES—YEOMANRY TRUMPETERS.—QUESTIONS. OBSERVATIONS.

THE DUKE OF ST. ALBANS asked the Under Secretary of State for War, Whether he will state the reason for withholding the pay for trumpeters in Yeomanry regiments; the saving which it is estimated will be effected; and,

whether lieutenant colonels commanding these regiments had been previously communicated with on the subject? He was aware that the Commander-in-Chief had issued a Circular, in which he said that the Yeomanry might draw trumpeters from the Regular Forces; but these Forces could not supply the requisite number. There was an impression in the Yeomanry Cavalry that they had been unfairly dealt with in the matter by the War Office. He anticipated that his noble Friend would reply that what the War Office had done was in accordance with the recommendations of a Committee appointed last year; but of the eleven Members composing that Committee seven were on the Staff of the War Office and only four were Yeomanry officers; so, although it might be said that "the Committee" recommended, the War Office were first responsible for the recommendations. He was afraid the War Office only accepted as much of the recommendations as pleased them.

EARL CADOGAN said, that though the first of his noble Friend's Questions did not state accurately what had been really done, his noble Friend had rightly anticipated what his reply to that Question would be. There were only four Yeomanry officers on the Committee of last year; but he thought that number was sufficient, remembering that on this question of trumpeters the Committee took the evidence of several Yeomanry officers. He would read to their Lordships, answers given by some of those witnesses. These Questions and Answers occurred in the examination of Major David Scotland, Cheshire Yeomanry—

"What work did the trumpet-major himself do in the course of the year?—He had nothing to do; he was employed civilly as a crier in Knutsford Court.

"Then he did hold a civil employment?—Yes, he did.

"(Sir F. FitzWygram).—The trumpet-major, if I understand you rightly, is absolutely unemployed, except for six days, without counting the marching out and marching in days. Do you not think that £36 is rather a useless expenditure on a man for those six days?—Yes, I do.

"And that some other arrangement might be better?—Yes; I think that a trumpeter might be detached from a Cavalry regiment for the purpose, just for three weeks or a month, because with us our trumpeters are assembled about a fortnight or three weeks before permanent duty

—they have four days' absolute instruction under the trumpet-major, and those four days and the permanent duty are all that the trumpet-major does in the year. He is the best paid man in the regiment for what he does."

In the examination of Viscount Malden, Lieutenant Colonel of the Hertfordshire Yeomanry, there was this passage:—

"What does the trumpet-major do during the year generally?—The present one is armourer sergeant at St. Albans; he keeps a private shop, and is gunmaker.

"He does nothing for the Government all the year round, except the eight days on which he is out?—Nothing."

Coming to the evidence of Lord Cork, Lieutenant Colonel of the North Somerset Yeomanry, he found these Questions and Answers:—

"You have one on the permanent staff, have you not?—Yes, he is trumpeter on the permanent staff.

"What does he do?—Nothing, except during the training week and during the troop drills."

In the Report of the Committee there was this passage:—

"We have considered the position and duties of trumpeters on the permanent Staff, and find from the evidence that their services are only required in that capacity during the period of permanent duty. We cannot, therefore, recommend the continuance of such a permanent appointment, but in lieu thereof we suggest the employment of a qualified Yeoman during the permanent duty, and an extra allowance of, say 3s. a-day might, we think, with propriety, be granted him while so employed; or a qualified trumpeter might be furnished from the Regular Army during the permanent duty."

The War Office had acted on that recommendation. The saving was £1,400 a-year. With regard to the last of the Questions of his noble Friend, he had to say that it was not, he believed, customary to consult the lieutenant-colonels on all occasions of proposed changes in matters connected with the Yeomanry generally, but only in respect of matters concerning their own regiments.

THE EARL OF CORK thought that one trumpeter for each troop, instead of one for the whole corps, ought to be allowed during permanent duty. As it was, by the present arrangements the expense of the troop trumpeters fell upon the captains, instead of upon the Contingent Fund as formerly. In his regiment it had been the custom to summon the men of each troop by sound of trumpet, but you could not summon men by sound of trumpet if you had no trumpet.

The Duke of St. Albans

NAVY—PROMOTION TO FLAG RANK.

QUESTION. OBSERVATIONS.

THE EARL OF CAMPERDOWN asked the Government, When it is intended by the Admiralty to make an alteration in the system of promotion from the rank of Captain to that of Flag Officer? The noble Earl said that when he brought the subject under the notice of the House last Session, a noble Friend of his who was not now present (the Earl of Malmesbury) concurred with him that recourse must be had to selection in the case of those Officers, and in consequence of that expression of opinion he (the Earl of Camperdown) had expected that something would have been done before now. The number of Flag Officers on the establishment was to be about 50, and that of Captains 150. With a promotion by seniority of one out of three, he did not see how the best men were to be had. Where the opportunity of selection was so limited, the Admiralty must be hampered in selecting the best men.

LORD ELPHINSTONE said, he had some difficulty in understanding the nature of the noble Earl's Question. He was not aware that the Admiralty were disposed to make any alteration in the system of promotion from the rank of Captain to that of Flag Officer. The matter had been discussed, but no decision had been arrived at; it was a question which required to be approached with very great caution. He had looked into the Report of the Committee of 1863, and in that Report it was laid down that it was the undoubted Prerogative of Her Majesty to promote by selection any Captain whom she might be advised to promote. By an Order in Council, even in time of peace a promotion might be so made. But, in point of fact, selection governed all the promotions at present, not only in the lower ranks, but also in the higher. One of the most responsible tasks the Admiralty had to perform was that of deciding as to what Captains should be allowed to qualify for the rank of Flag Officer. To qualify, a Captain must serve six years afloat, and in the course of that service fill two, possibly three separate appointments. If, in the course of fulfilling his service, a Captain showed that he was the right man for the rank of Flag Officer, he might depend upon finding no difficulty in

obtaining further employment, and so qualifying for the Active Flag List. If he did not, the Admiralty took care not to do so. He became an Admiral in time, but an Admiral on the Retired List. The truth was that the Admirals on the Active List were the selected of the selected—the *crème de la crème*. He was aware that in the French Navy the Flag Officers were taken by selection from the Captains on the Active List, and that was also the system in England, but it was given up in 1747; the noble Duke opposite, who himself had filled the post of First Lord of the Admiralty (the Duke of Somerset), told the Committee that he was aware that French naval officers complained of that system. Suppose a case in which a Captain was promoted over the head of 20 seniors, every one of these 20 others would contend that he was the man who ought to have been selected, and his Friends in both Houses of Parliament would advocate his cause. The result of such a system would be to flood both Houses with remonstrances. He did not think it would be popular with the Service at large, and he hoped it never would be adopted. There were 175 Captains on the Active List, and not 150, as had been stated by his noble Friend. Under the scheme introduced while his noble Friend was at the Admiralty, and which was known as the Childers' scheme, there were only three promotions from the rank of Captain to that of Flag Officer in 1873, and only four in 1874. This was under Mr. Childers' administration. Under Mr. Ward Hunt's there were seven in 1875, and seven would be the number each year; while the number of promotions from the rank of Commander to that of Captain would be from 12 to 15 a-year, and the number of promotions from the rank of Lieutenant to that of Commander 25. By that means, he thought, a constant flow of promotion would be maintained.

THE EARL OF CAMPERDOWN referred to *Hansard* to show that he was correct in what he had represented to be the statement made by Lord Malmesbury last Session. He regretted to find from his noble Friend that there was no intention to adopt the system of promotion by selection in its entirety—especially after the debate of last year, when it was admitted that its adoption was necessary.

TRADE UNION ACT (1871) AMENDMENT
BILL—(No. 73.)

(*The Lord Aberdare.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD ABERDARE, in moving that the Bill be now read the second time, said, that the Bill, which had come up from the Commons, was to secure the due administration of the funds of trade union societies. Beside some minor provisions there were two clauses which were most important. One of these was designed to facilitate the appointment of new trustees in case of bankruptcy, or other disqualification. At present it was almost impossible for trustees to divest themselves of their authority, and it was now proposed that when it was desirable to appoint a new trustee the registrar should be authorized, on application in writing from the secretary or three members of the union or branch, and on proof satisfactory to him, to direct the transfer of any stock such trustees might hold in the Bank of England or Ireland on behalf of the society into the names of other persons as trustees. Again, as the law at present stood, if a fraud were practised upon a trade union, the proceedings in summary jurisdiction must be taken in the place where the registered office of the trade union was situated. For instance, if the society belonged to Manchester, the prosecution must be instituted there. The 4th clause proposed to put an end to this anomaly, and enacted that the jurisdiction might be exercised either in the Court of that place, or in the Court of Summary Jurisdiction of the place where the offence was committed. There were certain Amendments which it was thought desirable to introduce in the Bill as it now stood, and, with the view of having those printed, he would move on a future day that the Bill be committed *pro forma*.

Moved, "That the Bill be now read 2^a."
—(*The Lord Aberdare.*)

THE DUKE OF RICHMOND AND GORDON approved the principles of the Bill, and thought the course proposed by the noble Lord would be a convenient one.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on *Monday* next.

EDUCATION — REPORTS FOR THE
YEAR 1875.—QUESTION.

LORD ORANMORE AND BROWNE asked the Lord President, When the Report of the Committee of Council on Education (England and Wales) for 1875, the Report of the Commissioners of National Education (Ireland) for the same year, and the Report by the Accountant to the Board of Education (Scotland) for the same year, will be laid on the Table of the House?

THE DUKE OF RICHMOND AND GORDON, in reply, said, that the Report for England and Wales would be placed in the hands of noble Lords during the Recess. The Irish Report, which would be up to the 31st of March last, would be ready in the middle of next month. The Scotch Report was made up to Whitsuntide in each year; but had subsequently to be placed in the hands of a public officer of accounts, whose examination of it required some months.

AGRICULTURAL HOLDINGS (ENGLAND) ACT.

MOTION FOR RETURNS.

EARL DE LA WARR moved for a Return of Landowners of 500 acres and upwards in each county in England and Wales, showing those who have contracted themselves out of the provisions of the Agricultural Holdings Act up to the 1st of June, 1876. The noble Earl said, that when the Bill was passing through Parliament, it created much interest in that House and in the country. The Act was of a peculiar kind, as it contained a permissive clause which would render it harmless whenever its operation was not desired by landlords. It seemed to him that some information should be obtained for the purpose of showing in what manner the measure had been received by landowners; especially as it was commonly stated and believed that a very large proportion of the principal landowners in the country, including some of those who were promoters and supporters of the measure, had contracted themselves out of its operation. He was not aware that there could be any objection to, or difficulty in

the system enacted by the Act he was perfectly willing to give them the benefit of it.

EARL GRANVILLE said, it was satisfactory to be acknowledged as a prophet. He had not referred to the report of his speech of last Session, but he believed what he said was in substance this—that the Act would prove useless, because it would not be called for in the case of good landlords like his noble Friend (the Earl of Derby), and because landlords who were unwilling that their tenants should have the protection of the Act would contract themselves out of it.

EARL DE LA WARR said, he did not think this Return could be called inquisitorial—at all events by comparison with the yearly Returns asked for by the Board of Trade from persons engaged in agriculture, who were invited to answer no fewer than 38 questions connected with their stock and crops. Moreover, it could not be very inquisitorial, because when a landlord contracted himself out of the Act all his tenants must know it, and consequently all the world also. At the same time, he would not press his Motion.

On Question? *Resolved in the negative.*

FOREIGN DECORATIONS.—QUESTION. OBSERVATIONS.

LORD HOUGHTON, in asking the Minister for Foreign Affairs to lay on the Table of the House any correspondence that might have taken place between the Government and the Representatives of Foreign Powers on the question of the conferring of decorations on British subjects not in the service of the Crown, said, that the noble Earl's answer might throw some light upon an erroneous public opinion as to the interference of the State with the wearing of Orders when conferred by foreign Governments upon English subjects. In 1873, previous to the Great International Exhibition at Vienna, he called the attention of the noble Earl the then Secretary of State for Foreign Affairs (Earl Granville) to the subject, and the noble Earl, in a less conclusive reply than he generally made to Questions addressed to him, failed to bring forward any Statute, Proclamation, Order in Council, or Public Act which could place any private Eng-

lishman under restrictions in this matter. He wished that the object of his Question should not be misunderstood. He did not desire to interfere with the right of any Department, military or civil, to inhibit any person in that Department from receiving any marks of distinction from a foreign country except with the consent of the Sovereign. What he wanted to know was whether it was in the power of any Department of the State to inhibit any private Englishman from receiving any Order or decoration from a foreign Government unless he had the express permission of the Crown? The noble Earl's (Earl Granville's) reply to his Question two years ago was so inconclusive that it did not prevent the Austrian Government from giving decorations to the Commissioners, the jurors, and others interested in the Vienna Exhibition. Similar decorations were also given and accepted on the occasion of the great French Exhibition—in fact, no notice whatever was taken of the noble Earl's views on the Continent, and decorations had been given just as freely as if it never existed—it was in the prospect of similar Exhibitions in future that he asked the Question. Philosophers, no doubt, might say that the whole question of Orders and decorations was extremely frivolous; but as their Lordships were themselves the most decorated portion of the British public, it was not from them that such an objection should come. No doubt, these decorations were principally important to persons engaged in commerce who were brought into intercourse with foreign Governments—such as scientific discoverers, English mechanics, chemists, &c. There were, however, foreign Orders and marks of favour bestowed upon men of letters and men of science, such as the Prussian Order *Pour la Mérite*, which comprised the most powerful intellects of the civilized world, and had been conferred upon Lord Macaulay, Mr. Carlyle, Professor Owen, Sir Henry Rawlinson, and other Englishmen. Yet he believed that the bestowal of even that Order had been objected to by a public Department that could have nothing to do with the matter. Their Lordships must recollect an interesting debate raised by the late Lord Stanhope on the subject of decorating Englishmen eminent in science and letters. It was then stated that there was nothing in

The Earl of Derby

the present regulations which would prevent the Order of the Bath from being bestowed on men of eminence in science and letters, and it had been stated that the offer of the G.C.B. had been made by the present Prime Minister to Mr. Carlyle. He considered that it ought to be made clear whether there was any right on the part of the Foreign Office to prevent these Orders and decorations from being accepted and worn in this country. Upon the present occasion, however, he would confine himself to asking whether and to what extent the State could interfere with a mark of favour bestowed by a foreign Power upon a private Englishman?

THE EARL OF DERBY said, that his noble Friend had asked a Question which was not included or even necessarily involved in the Notice he had put on the Paper. That Notice had really been to ask for Papers, and as there were no Papers bearing on the general question of the conditions under which British subjects were entitled to receive and wear foreign Orders, he had been prepared to give his noble Friend that reply. There had, no doubt, been some correspondence with regard to individual cases, but it had turned upon the single point whether the particular case under discussion was or was not included in the Regulations laid down by the Foreign Office in 1870. He did not mean that there were no Regulations of an earlier date, but that was the last occasion on which they were revised. He did not think it necessary to go into the general question of the policy to which his noble Friend had adverted. This question was raised by the noble Lord three years ago; the noble Earl who preceded him in office (Earl Granville) made a reply, in which he stated the general policy of the Regulations in a clear and satisfactory manner, and with the general purport of that reply he entirely concurred. The question of policy was not now raised by the noble Lord; what he said was he would not rest until he had ascertained what were the rights of any Department of the State as to the acceptance by a British subject of Orders or decorations from a foreign Government given for scientific or other services. That, however, was not the Question he had put upon the Paper, and if he had desired an answer to it it would have been simpler to have given Notice of a Question

on the point to which his observations had been addressed. He could only answer the noble Lord off-hand; but he was ready to say this much—he apprehended the interference of the State with the acceptance of foreign decorations by private persons rested wholly upon the Regulations issued upon the authority of the then Secretary of State three years ago, which were only a repetition of former Regulations dated February, 1870. The first Regulation was to the effect that no subject of Her Majesty should wear such a decoration without having previously obtained Her Majesty's permission under the Royal sign manual. Subsequent Regulations stated certain exceptions to the general scope of the first. As to the question, What was the authority upon which the Regulations rest?—it was clear that they were laid down upon the authority of the Crown, and that any person in the service of the Crown would be fairly punishable for breaking through a rule which it was his official duty to observe. If his noble Friend asked what legal penalty any person not being in the service of the Crown rendered himself liable to if he chose to contravene the regulations and to wear a foreign Order, he could only say he believed that if the noble Lord or any one else chose to wear such an Order, he might do it without any fear of the consequences, for he did not believe the Regulation rested upon any Act of Parliament, and he did not believe it could be enforced by any legal process. If a man wore an Order of this kind—even if he wore a decoration purporting to be a decoration from his own Government which he was not entitled to wear—he much doubted if such a proceeding was in any way punishable at law. The Regulation meant simply that the Crown did not authorize or recognize the acceptance of such marks of honour from a foreign Government except under certain conditions which were laid down. It was intended that, in all but the excepted cases, these foreign Orders and decorations should not be worn at Court, and any person holding a public situation and wearing one of these Orders when in the performance of a public duty would be guilty of a gross breach of public decorum. He did not think the Regulations were, or were ever meant to be, legally enforceable, and that

seemed to be the point on which the noble Lord desired information.

LORD HOUGHTON said, that what he wished to have decided was what were the legitimate powers of the Foreign Office, whether the Regulations issued applied to any other persons than those who were in the service of the Crown, and what power there was to apply these Regulations generally to the subjects of Her Majesty. He contended that the word "subjects" did not and could not mean private persons, who were not under the administrative authority of the Secretary of State; and he now inferred from what the noble Earl had stated that there was no legal authority to prevent the assumption and wearing of these Orders in this country.

EARL GRANVILLE said, there was a great distinction between those who were in the service of the Crown and the general public. The noble Lord (Lord Houghton), having taken three years to reply to his speech, had forgotten some things he had said, and had misquoted what he (Earl Granville) said about the opinions of two Sovereigns. It had never been historically accepted that Elizabeth said she "would mark her own sheep;" that remark was attributed to George III. What Elizabeth said, with somewhat of despotic coarseness, was—"I will not allow my dogs to wear any collars but my own." As he was not in office now he did not feel it incumbent on him to add anything to what the noble Earl (the Earl of Derby) had said, but he agreed in what had fallen from him. He felt regret that it was necessary to maintain the Regulations, because he knew many individuals who would like to wear foreign decorations. There was one argument the noble Lord did not use in support of the views of those who wished to wear them. When some one applied to Lord Melbourne for an Order, he expressed a doubt whether the applicant had established any claim to it; and the answer was—"The fact is, he is a very dressy man, and would show it off exceedingly well." In his own case, before he had the Order which he was proud of wearing, he had the offer of several European Orders, not for any merit of his own, but because he held certain offices of State; but under the Regulations he had refused them. He knew no one who was so likely as

the noble Lord (Lord Houghton) to receive Orders from many countries, for he was well known on the Continent and beyond the Atlantic; and he was quite sure that honours would be most cheerfully given to him, and that they would become him very much. The only thing was, they would make him too cosmopolitan, for he already called the noble Earl the Secretary of State the "Minister" for Foreign Affairs; in his speech he had quoted French, and he was not quite sure he did not detect some Gallicisms. However, the occasion was not now so opportune for a discussion as it was the last time the question was raised. That was just before the opening of the Austrian Exhibition, when it was anticipated that Austria would desire to offer decorations in connection with that event. It was true there was now a great Exhibition across the Atlantic; but the Government of the United States as resolutely refused to allow foreign decorations to be worn by its citizens as it absolutely refused to dispense such decorations on its own account.

LORD ORANMORE AND BROWNE reminded their Lordships that last year he had brought the subject of the assumption of foreign titles before the House. This was more important than the wearing of foreign Orders, for if a British subject had gone to the recent Royal reception at the Guildhall covered with foreign decorations he would only have rendered himself ridiculous; but if a British subject claiming to hold a foreign title had been invited by that title, and had been accorded precedence in virtue of that foreign title, that would have been an acceptance and endorsement of it of considerable importance. An eminent individual in this country (Cardinal Manning) bore a title giving a precedence above an English Duke, conferred on him, a British subject, by a foreign Sovereign, and in virtue of that title he claimed the right to exercise what was formerly considered to be the absolute prerogative of the Crown, the granting of charters to Universities: he thought that if a restriction were put on British subjects as to their receiving foreign Orders some regulation ought to be made with regard to their acceptance of foreign titles. To make a rule applying only to decorations and to leave out titles appeared to him to be

straining at a gnat and swallowing a camel.

LORD HOUGHTON was understood to say that persons in the service of the United States could not receive or wear such Orders; but there was nothing to prevent persons in the service of other States going to America from wearing them.

JUDICATURE ACT, 1873—THE COURT OF APPEAL.—QUESTION.

LORD SELBORNE said it would be in the recollection of their Lordships that his noble and learned Friend on the Woolsack, when explaining to the House the arrangements connected with the Court of Appeal, stated that the heads of the other Courts, including the Master of the Rolls, might be relied on during a considerable part of the year without the inconvenient interruption of the other business of the Courts. Accordingly, he had seen in the present year that the Judges, including the Master of the Rolls, had been sitting in the Court of Appeal—but from some statements which had been made in public there appeared to be an impression that the result was likely to be an inconvenient interruption of the business of the Rolls Court by withdrawing the Master of the Rolls from it in a manner hitherto unusual. He had reason to believe that this impression was founded on some misconception, and therefore he wished to ask his noble and learned Friend on the Woolsack, Whether the time devoted by the Master of the Rolls to the business of the Court of Appeal during the present sittings will have the effect of preventing his Lordship from sitting for as many days as has been usual in the Rolls Court?

THE LORD CHANCELLOR said, he was glad his noble and learned Friend had put this Question, because it enabled him to correct what he believed to be a misconception with regard to the constitution of the Appeal Court, so far as the Master of the Rolls was concerned. It was the fact that the Master of the Rolls had given a considerable portion of his time to the business of the Appeal Court in Westminster, with great advantage to the public interests; but as to the effect that would have on the ordinary sittings of the Rolls Court, he would place before their Lordships a

few figures with reference to the sittings of that Court before the Judicature Act and the present position of matters. Before the Judicature Act passed the average sittings every year of the Rolls Court extended over 28 weeks; with six days in each week that gave 168 days, supposing the Court sat every day while the sittings continued. Accordingly he found that during the 12 years Lord Romilly was Master of the Rolls' up to 1872, allowing for the casualties that would happen every year, he sat on an average during each of those 12 years 156 days. In 1872-3, during part of which Lord Romilly was assisted by the late Lord Chancellor, the sittings at the Rolls numbered 168 days. In 1873-4 the present Master of the Rolls sat 175 days, and in 1874-5 170 days. That was the state of things up to the passing of the Judicature Act—the *maximum* of the sittings ranged from 168 to 175. By the Judicature Act the sittings of the Court of Chancery had been very much extended. Instead of 28 weeks they had now become 34 weeks—an addition of six weeks—so that instead of sittings on 168 days they had now no less than 204 days—36 days more—for the sittings of that Court. The Master of the Rolls, he found, had sat in the Court of Appeal for 21 days, and he proposed to sit there in all 25 days; which being deducted from the 204 days, gave 11 days in excess of what the sittings ever were before in the Rolls Court. But that was not really the whole history of the case. Their Lordships were probably aware that the Master of the Rolls was a most efficient and diligent Judge, and notwithstanding his sittings in the Appeal Court, the number of causes he had already disposed of was so great that the Chambers were completely occupied, and it would not be desirable to increase the sittings at the Rolls beyond the present amount. The Master of the Rolls had three Chief Clerks and a staff of subordinate clerks, between whom the Chamber business was divided. The staff in Chambers was absolutely unable to keep pace with what was done in Court, much less could they do more than keep pace with it. He therefore had no hesitation in saying that the sittings of the Master of the Rolls in the Court of Appeal would not only be a great advantage to the public, but would not in any way in-

terfere with the normal business of the Rolls Court.

House adjourned at Seven o'clock,
to Monday next, a quarter
before Five o'clock.

HOUSE OF COMMONS,

Friday, 26th May, 1876.

MINUTES.]—SUPPLY—*considered in Committee*
— CIVIL SERVICE ESTIMATES — Class III.,
Vote 3.

PUBLIC BILLS — *Ordered — First Reading —*
Local Light Dues (Reduction)* [173]; Gun
Licence Act (1870) Amendment* [174].

*First Reading—*All Saints, Moss* [172].

*Second Reading—*Clerk of the Peace and of the
Crown (Ireland) [119], *debate adjourned*;
Public Health (Scotland) Provisional Order
(Wemyss)* [165]; Burghs (Division into
Wards) (Scotland) Amendment [166].

Committee—Report—(£11,000,000) Consolidated
Fund*; Kingstown Harbour* [136].

*Considered as amended—*Customs and Inland
Revenue* [124]; Coroners (Dublin)* [152].

*Third Reading—*Merchant Shipping [144], and
passed.

CRIMINAL LAW — THE CONVICT ORTON.—QUESTION.

MR. WHALLEY asked the Secretary of State for the Home Department, with reference to his refusal to grant relaxation of rules relating to interviews with convicts in the case of Castro alias Orton alias Tichborne, Whether he has seen in the public journals a letter from the cousin of the convict, Mr. Anthony Biddulph, stating that on a recent visit he found him "more than ever like the youth he had known him in former days, the Roger of the Chilian photograph;" and, whether, on this and other grounds, he will grant permission for an interview to those who on the trial expressed opinions as to his identity formed upon his appearance at that period, and who may now desire to reconsider their evidence on that point?

MR. ASSHETON CROSS, in reply, said, he believed it was one of the Rules of the House that Questions should not be argumentative. The hon. Member had not strictly adhered to that Rule, for it was certainly open to argument whether Mr. Biddulph was a cousin of the

convict. He had not seen Mr. Biddulph's letter in the public prints, and could not therefore, on that ground, grant permission for interviews with the convict by other persons. He knew of no other grounds on which to permit interviews with the convict.

SPAIN — DETENTION OF BRITISH SUBJECTS.—QUESTION.

MR. HANBURY asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to the following telegram from Cadiz in the "Times" newspaper of 25th May:—

"A sad perversion of justice is occurring. A British subject, Henry Pratt, has served eleven years' penal servitude. His time expired two years ago, and five successive Spanish Ministers have declared him free, but have neglected to sign his papers, and he has just been moved from Melilla to Ceuta, still a prisoner, having served two years beyond his allotted term;"

and, whether the above report is true; and, if so, what steps Her Majesty's Government have taken for his release?

MR. BOURKE: I am glad my hon. Friend has called attention to this case, although the facts are not at all what the Question would suggest. It appears that Pratt, a British subject, was sentenced about 11 years ago to imprisonment for life for the crime of homicide, so that his time cannot be said to have expired. About two years ago he petitioned for his release, and his petition was sent to Her Majesty's Minister at Madrid as well as to the Minister of Justice in Spain. Mr. Layard considered that it was not a case in which he could interfere officially; however, he spoke privately to Senor Sagasta, who was then Minister of Foreign Affairs, and who inquired into the prisoner's conduct and character, and subsequently told Mr. Layard that the account he had received was so very good that he should immediately recommend him for a full pardon. Her Majesty's Representative repeatedly received similar assurances from Senores Ulloa and Castro and Count Casa Valencia, who were successively Ministers for Foreign Affairs. In November last Senor Calderon Collantes, the present Minister for Foreign Affairs, who was acquainted with the case of Pratt, because he had been Minister of Grace and Justice, on a further representation being made, assured Mr. Layard that he was entitled to his liberty,

The Lord Chancellor

as, although the punishment of imprisonment for life was inflicted by the Spanish Code, practically imprisonment was never extended beyond the term of 10 years, and Pratt should be pardoned at once. As, however, no steps appear to have been taken by the Spanish authorities to carry out the assurances given to Mr. Layard, he was instructed a short time ago to bring the matter officially before the Spanish Government. Sufficient time has not elapsed to enable a reply to be received to this representation.

METROPOLIS—TRAFFIC AT HYDE PARK CORNER.—QUESTION.

LORD ERNEST BRUCE asked the First Commissioner of Works, Whether it is now in his power to propose a plan for relieving the traffic at Hyde Park Corner and opening a communication between Piccadilly and Belgravia, which has so long been desired for the convenience of the public?

LORD HENRY LENNOX: I am happy, Sir, to say that, after long, minute, and anxious consideration, I have approved a plan for the relief of the traffic at Hyde Park Corner by making a road across the Green Park, from opposite Hamilton Place into Grosvenor Place. This road will follow nearly the same track as that of the unfortunate one upon which I staked my reputation last summer, and which was shown on the model which was exhibited in the Conference Room last Session, and which met generally with the approval of hon. Members. The entrance of the road in Piccadilly will be very wide, and so shaped as to enable the traffic coming from the east and north-east of London to make use of this road on its way to Victoria Station and its neighbourhood, without clashing with the carriages coming down Hamilton Place. The engineering difficulties which led to the abandonment of my former scheme will be avoided in this instance by crossing Constitution Hill on the level. At the same time, I may say that arrangements will be made, by means of a gatekeeper, to prevent any inconvenience arising from the traffic to members of the Royal Family, to equestrians, and to those Members of both Houses of Parliament who have a right to use Constitution Hill. I may add that the head of the police force,

to whom is entrusted the regulation of the traffic at Hyde Park Corner, is of opinion that the proposed road will afford an immense relief to the block which now causes so much inconvenience at that portion of Piccadilly.

MR. MUNTZ inquired whether he correctly understood the noble Lord to say that Members of Parliament had a right to the use of Constitution Hill?

LORD HENRY LENNOX said, he had intended to refer only to those Members of Parliament who had the right.

MERCHANT SHIPPING BILL.

QUESTIONS.

SIR CHARLES ADDERLEY asked the honourable Baronet the Member for North Wiltshire, Whether he is prepared to withdraw the Notice of Motion that stands in his name in reference to the third reading of the Merchant Shipping Bill, on the grounds that the subject had already been twice fully discussed, and also that the powers of the Board of Trade under the existing Act were ample to secure the object which the hon. Baronet had in view?

SIR GEORGE JENKINSON, in reply, said, that desiring not to delay the course of Public Business or to prevent the passing of the measure, he begged, in compliance with the request of the Government, to withdraw his Notice.

SIR CHARLES W. DILKE, in consequence of the reply of the hon. Baronet the Member for North Wiltshire, wished to ask the hon. Member for Birkenhead, Whether he intends to proceed to-night with the Notice that stands on the Paper in his name in reference to that measure?

MR. MAC IVER said, he would rather not answer the question, as much must depend on the course of Public Business. He would, however, not do anything to delay the progress of the Bill, which he believed to be in the main a good one.

LANDLORD AND TENANT (IRELAND) BILL.—QUESTION.

MR. GEORGE CLIVE asked the Chancellor of the Exchequer, Whether he will fix an early date for the resumption of the debate on the second reading of the hon. and learned Member for

Limerick's Landlord and Tenant (Ireland) Bill?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that the hon. Member had sent word privately to the Prime Minister of his intention to put the Question that evening, and his right hon. Friend, unfortunately, not being able to be present, had asked him to give the answer that he would be prepared to find a Government night for the resumption of the discussion on the Bill as soon as the state of Public Business would permit; but that, at the present moment, it was impossible to fix any special day for that purpose.

MR. GEORGE CLIVE gave Notice that immediately after that day, whatever it might be, he should proceed with the Resolution which stood upon the Paper in his name.

PUBLIC HOUSES (IRELAND)—SUNDAY CLOSING.—QUESTION.

MR. R. SMYTH, in consequence of the reply of the right hon. Gentleman, begged, to ask him, Whether, as the Government appeared to have time at their disposal, they would afford him facilities for carrying a Bill founded upon the Resolution of the House passed on the 13th instant and relating to the Sunday Liquor Traffic in Ireland?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he had given reasons the other day why Her Majesty's Government could not undertake to introduce a measure on the subject referred to, and the same reasons would render it impossible for them to make the promise the hon. Member asked for.

THE DERBY DAY.—QUESTION.

MR. JAMES asked Mr. Chancellor of the Exchequer, Whether it is the intention of the Government to make the usual Motion for the adjournment of the House over Derby Day?

THE CHANCELLOR OF THE EXCHEQUER assented.

PARLIAMENT—ORDER OF PUBLIC BUSINESS.—QUESTION.

THE MARQUESS OF HARTINGTON wished to know, Whether Mr. Chancellor of the Exchequer could state the order of Public Business for Monday,

Mr. George Clive

and also what will be the probable Business for Thursday?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that the First Order on the Paper for Monday would be the third reading of the Customs and Inland Revenue Bill, which it was important should pass through the House of Lords before the Recess. It was not anticipated that any further discussion would arise on that Bill. Immediately after that Bill the Commons Bill would be taken, and it was proposed to proceed with the latter measure on Thursday. The right hon. Gentleman who was in charge of the Prisons Bill hoped to be able to take it on Thursday. The substantial business for Monday and Thursday, therefore, would be the Commons Bill.

MR. MITCHELL HENRY reminded the right hon. Gentleman that on the third reading of the Customs and Inland Revenue Bill there would be a very important discussion in reference to a matter of which he had more than once given Notice.

THE CHANCELLOR OF THE EXCHEQUER said, he had forgotten that Notice, being under the impression that the hon. Gentleman did not intend to bring forward the Motion.

SUPPLY. COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE DUCHY OF LANCASTER AND THE AGRICULTURAL HOLDINGS (ENGLAND) ACT.—RESOLUTION.

DR. C. CAMERON, in rising to call attention to the fact that a circular has been addressed to the tenants of the Duchy of Lancaster, by the Chancellor of the Duchy, excluding them from the benefits of the Agricultural Holdings (England) Act of last Session by giving them formal notice that their contracts of tenancy shall remain unaffected by that Act, and to move—

"That, in the opinion of this House, it is undesirable that the benefits intended by Parliament to accrue to any class of Her Majesty's subjects from the passing of any statute should be neutralised by the official action of a member of the Administration responsible for the enactment of that statute,"

—said: Sir, some time ago, in reply to a Question which I put to him in this House, the right hon. and gallant Gentleman the Chancellor of the Duchy of Lancaster admitted that he had issued a circular attributed to him in *The Mark Lane Express*, contracting the tenants of the Duchy of Lancaster out of the benefits of the Agricultural Holdings Act of last Session. Now, the 46th clause of the Act expressly enacts that the Act shall extend and apply to the estates of the Duchy of Lancaster. Comparing the expression here made use of with the manner in which the same words are applied in other parts of the statute, it appears to me a matter quite open to argument that the Act, so far as the Duchy of Lancaster is concerned, is not of a permissive, but of a compulsory character. I do not, however, intend to enter into the point, for it seems to me of comparatively little moment whether the right hon. and gallant Gentleman has, in issuing the circular, acted within his powers or exceeded them. What I contend is, that it is evident from the 46th clause that the Act was intended by Parliament to apply to the Duchy of Lancaster. This clause was not only sanctioned by Parliament, but the consents of Her Majesty and of His Royal Highness the Prince of Wales in respect of it were expressly given before the Bill came down to this House. Moreover, as a Member of the Ministry which introduced the Bill, the right hon. and gallant Gentleman the Chancellor of the Duchy of Lancaster must have had every opportunity of urging any special reason which might exist for the exclusion of the lands of the Duchy from the operation of the Act, and as a Member of the Ministry responsible for the Act he must be regarded as especially responsible for the 46th clause which regulates its application to the estates of the Duchy of Lancaster. In admitting that he had issued the circular attributed to him by *The Mark Lane Express* the right hon. and gallant Gentleman attempted to excuse his action, and as I wish to do the right hon. and gallant Gentleman every justice, I shall quote his own words—

“On the advice,” he said, “of the recognized and responsible officials of the Duchy, having consulted several of the Council, I did that which was considered best for Her Majesty’s estates.

. . . The difficulties intended to be met by the Agricultural Holdings (England) Act have never occurred between the Duchy and its tenants. The tenants are scarcely ever changed, and, as a matter of course almost, the farms pass from father to son, and the improvements, as a rule, are always made by the Duchy at a stated rate of interest.”—[3 *Hansard*, ccxxvii. 1796.]

Now, admitting for a moment the validity of these excuses for the action of the right hon. and gallant Gentleman, I must say that it appears to me his proper time to have thought of these exceptional circumstances was when the Bill was before Parliament, and his proper course was to have struck out the special provision for the case of the Duchy in the measure—instead of dangling it before the eyes of the country as if to give the lie to any suspicion that any Department of Her Majesty’s Government intended the measure to be a sham, or brought it forward otherwise than in the best of faith. But, Sir, I shall show that the excuses of the right hon. and gallant Gentleman, when closely looked into, really afford no excuse whatever for his conduct in the matter. It is only in the cases of tenancies from year to year, or at will, that under Section 57 of the Act notice is required to be given to debar the occupier from reaping the benefits of the Act. It is not required in the case of existing leases, for the Act specially excepts them. The right hon. and gallant Gentleman tells us that the Duchy is in the habit of advancing money for improvements at a stated rate of interest, as if in so doing it was in the habit of doing everything contemplated under the Act. I maintain that this is so far from being the case, that the question of these advances has practically nothing to do with the operation of the Act. These advances apply solely to improvements coming under Class I of the Agricultural Holdings Act. This class of improvements—permanent improvements—are every one of them improvements which are more properly executed by the landlord than by the tenant, and although the Act of last Session very properly made provision that in the case of limited owners, or when from any cause the landlord did not care to expend his capital, the tenant might make the improvement and receive compensation, it expressly stipulated that such compensation could only be claimed when the permanent improvement was exe-

cuted with the previous consent in writing of the landlord. Now, from everything I hear the Duchy is not particularly lavish in its expenditure on improvements. With its income of £35,000, it last year only expended in drainage and other improvements chargeable to capital £731 6s. 9d., and that sum was doubtless laid out to good advantage and at good interest. But whether it was great or small, and whether the tenants paid for it in the shape of increased rents or not has nothing to do with the question. If the Chancellor of the Duchy wishes to retain all works of permanent improvement in his own hand, he has simply to refuse his written consent to the tenants proposing to execute them, and if they persist in carrying them out, they do so at their own risk. If, on the other hand, the Duchy executes them, there is not a shadow of a pretence for saying that under the Act of last Session any compensation could be claimed. But, Sir, some really important advantages could have been claimed by the tenant, and were specially intended by Parliament to accrue to the yearly tenantry of the Duchy of Lancaster under the Agricultural Holdings Act, and they were these—They could under it have claimed compensation for improvements of the 2nd and 3rd class—for boning, chalking, clay-burning, claying, liming, and marling, and for unexhausted manure. More important still, they could have claimed compensation under Section 53 for engines, machinery, and fixtures erected at their expense in accordance with the provisions of the section; and still more important, in the case of a yearly tenant, they could, under Section 51, have claimed twelve months' notice instead of six, in case of any disagreement with the right hon. and gallant Gentleman opposite, his Successors, or their subordinates. But the right hon. and gallant Gentleman attempts to argue that practically the tenants will suffer little hardship from their exclusion from the operation of the Agricultural Holdings Act, because they are very seldom disturbed, and holdings often descend for generations together from father to son. That is very possible, but it has nothing to do with the question, and is no justification whatever for the action of the right hon. and gallant Gentleman. On the contrary, it simply shows for what a very

small gain to the funds of the Duchy he has gone out of his way to defeat the intentions of Parliament. Compensation are not paid under the Act, except on the termination of tenancies; and, if cases of change are rare, cases of compensation would be few. But what I maintain is, that whether such cases of termination of tenancy are numerous or few, Parliament intended—with the concurrence, we all thought, of the Chancellor of the Duchy of Lancaster—that on their occurrence the out-going tenant should be entitled, under certain conditions, to compensation for certain improvements, and this intention the right hon. and gallant Gentleman has proceeded in the most wanton manner to frustrate. I say, in the most wanton manner, because, according to his own statement, the changes on tenancy on the Duchy estates are very few, and the inducement for the course he has taken, consequently, wholly inadequate. And now let us see with what intention Parliament passed the Agricultural Holdings Act. It did so for the express purpose of securing for the tenant an equitable compensation for any real improvements he might effect on his holding, and so encouraging high-class farming and increasing the food-producing capacity of the country. The yearly tenants on the estate of the Duchy of Lancaster may know that under former Administrations they have remained undisturbed in their holdings, but when they see the present Chancellor passing an Act one Session, and repudiating it the next, how can they help regarding him as the embodiment of fickleness and caprice, and with what confidence can they be expected to invest capital in improving their farms. From statements which I have seen in the agricultural papers, and which have reached me since I put my Notice upon the Paper, the tenants of at least some of the estates of the Duchy of Lancaster are by no means satisfied with their treatment, and would decidedly benefit if the right hon. and gallant Gentleman would allow them to undertake permanent improvements, as well as improvements of Classes II. and III. of the Act of last year, under the security which that Act affords. But, Sir, I have not brought forward this matter in the interests of the tenantry of the Duchy of Lancaster. My concern is for the effect which the action of the

Dr. Cameron

right hon. and gallant Gentleman will produce on the country at large. I have no hesitation in saying that it will have a most disastrous and a most demoralizing effect. When the landlords of England hear of a Gentleman so nearly responsible for the Agricultural Holdings Act—a Chancellor and the head of an important Court—at the cost at once of his own consistency and of the reputation of the Ministry of which he is a Member, declaring that the adoption of the Act would be so prejudicial to the estates of the Duchy of Lancaster, that steps must at once be taken to exclude them from the operation of its provisions, what must they think of its probable effect upon their own interests? Will they not naturally ask themselves whether there must not be something very bad indeed in the Act, when even the Chancellor of the Duchy of Lancaster makes such haste to escape from it? Now, Sir, various Members of the Ministry on different occasions, and notably the Prime Minister at the last Ministerial banquet at the Mansion House, have spoken of the Act as a most important and a most beneficial one, and I entirely concur in their description of it. It may not go so far as many of us would have wished; but I have no hesitation in expressing my own opinion that it is an Act which only requires to be generally adopted to prove a very great boon indeed to the country. And I believe that under ordinary circumstances it would be generally adopted, for its provisions are calculated to benefit the landlord, and to lead to the improvement and development of his property, while giving an equitable security to the tenant. But, Sir, I can conceive of nothing more likely to produce a scare among landlords—to make them once and for all resolve to have nothing to do with the Agricultural Holdings Act—to deprive the country of a great gain, and to render nugatory all the labour which Parliament last year bestowed on this measure, than the action which the Chancellor of the Duchy of Lancaster has thought fit to adopt. It is for this reason, Sir, that I have deemed it my duty to call attention to the subject and to move the Resolution I now submit to the House.

MR. MELDON, in seconding the Motion, observed that the assent of the Queen and of the Prince of Wales was

obtained to the introduction of the measure. It was promoted by the Government, and it seemed extraordinary that when it became an Act the Chancellor of the Duchy should render it of no avail with regard to property of the Queen and the Prince of Wales. The conduct of the right hon. and gallant Gentleman had induced a large number of persons to defeat the intention of Parliament in passing the Act.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is undesirable that the benefits intended by Parliament to accrue to any class of Her Majesty's subjects from the passing of any statute should be neutralized by the official action of a Member of the Administration responsible for the enactment of that statute,"—(*Dr. Cameron,*)—instead thereof.

COLONEL TAYLOR said, he thought he would be able in a very few words to show that the hon. Member for Glasgow had not made out any case to justify the House in interfering with the management of the estates of the Duchy of Lancaster. The hon. Member said that he (Colonel Taylor), as Chancellor of the Duchy had contracted certain of its tenants out of the operation of the Agricultural Holdings Act. Now, the estates of the Duchy comprised in round numbers 37,000 acres of land in different parts of the country. Of that 30,000 acres were under lease, and were altogether outside of the Agricultural Holdings Act; so that there were only about 7,000 acres liable to be affected by the Act. They might be classified thus—At Needwood there were 23 tenants and 2,143 acres; at Scalby and Pickering, 12 tenants and 1,319 acres; at Pontefract, nine tenants and 380 acres. Those 44 tenants, occupying 3,873 acres, he had ascertained were satisfied with matters as they were before the passing of the Act, and not one of them had expressed a desire for any change. There remained 15 tenants at Methwold, in Norfolk, holding 3,063 acres. This was the soft part of the estate, and he thought it would be attempted to be shown that these tenants had complained of not being brought under the operation of the Act. In fact, that estate was in a state of transition. Great improvements had been

made in it, and further improvements were contemplated. Some years since a former Chancellor of the Duchy sanctioned the expenditure of £2,687 in the purchase of a steam engine, which had been working ever since, and £3,600 in drainage, and for an embankment to keep out the river Wissey. This had worked excellently, and in the late wet season that estate was the only part of the neighbourhood that was not covered by water. Besides that, within the last five years, £3,730 had been spent, and all without any charge to the tenants. The average rental of that estate was 7s. 4d. an acre, and the average outlay 2s. 6d. an acre, leaving the net rental below 5s. an acre. Notwithstanding that, a memorial was addressed to him last spring asking for a reduction of rent, which he had felt constrained to refuse. Hence to some extent the complaints which had appeared in the shape of letters in *The Mark Lane Express*, and which contained statements in the main inaccurate. He would not, however, enter further into that part of the question except to say that, instead of a great number, as asserted, only a single notice had been returned to him unsigned from that estate. He contended that Methwold, being in the transition state that he had described in view of the further contemplated improvements, all to be effected at the expense of the Duchy, he was justified in issuing, and almost obliged to issue, the notice which he did, so that difficulties and delay might not be raised in carrying out those improvements. It must be remembered that the Act was optional; and, although he was a Member of the Government, he was also manager of the estates of Her Majesty, and was bound to do the best he could for the interests of the Crown. Some of the most experienced members of the Duchy Council were of opinion that the notice should be issued, and he acted accordingly. With all respect to the Agricultural Holdings Act, it seemed to him that it was calculated in the main to meet cases where estates were badly managed, and where there was not a good understanding between landlord and tenant. That, he was glad to say, was not the case with the Duchy; and he was convinced that the Methwold tenantry had been in no way damnified by the action taken there. He thought it

unnecessary to say anything more in justification of the course he had taken.

DR. C. CAMERON explained that he had never asserted that the tenants were damnified.

MR. CHILDERS thought it would be a curious and interesting Return—if it could be obtained—that would show the number of noble Lords and Members of Parliament who had been in favour of the Agricultural Holdings Act while it was being passed, but who had since carefully contracted themselves out of its operation. That, however, was no concern of his, nor was it his duty to defend the Government's action. But referring to one of the estates of the Duchy of Lancaster the right hon. and gallant Gentleman opposite (Colonel Taylor) was quite accurate in saying it had been in a most unsatisfactory state, and three years ago it became necessary to make a searching inquiry into its condition. One of the most experienced land agents was employed for that purpose, and a large sum of money, between £3,000 and £4,000, had been or was in course of being expended on the estate. Pending the re-adjustment of the tenancies on that estate, he was bound to give it as his opinion that it would not be prudent on the part of the Government to bring it under the operation of the Act. All the other estates of the Duchy were under lease, and the Act would not apply to them.

MR. J. W. BARCLAY thought the farmers, especially those in Scotland, were much indebted to his hon. Friend the Member for Glasgow (Dr. Cameron) for bringing this question forward. Last year they spent considerable time in discussing the Agricultural Holdings Act, and he (Mr. Barclay) then said that unless some of the provisions were made compulsory, it would be of no practical use. What they had heard that evening verified his prediction. They were now to have soon under discussion a Bill of a similar character for Scotland, and from the year's experience which they had now had of the English Act, they might judge whether the Scotch Bill, shortly to be introduced into the House, would be really of any value, and whether it would be of any use even to try to make a good measure of it, on the basis of the English Bill. Two questions had been raised in the debate; one was as to the management of the

Colonel Taylor

estates of the Duchy of Lancaster, and the other why the tenants had not had the benefit of the Agricultural Holdings Act, which he believed it was the desire of that House that they should have. That it was necessary for them to benefit by its provisions was proved by the statement of the right hon. and gallant Gentleman the Chancellor of the Duchy, who had told them that a considerable portion of the estate was let at 7s. 4d. per acre, the charges upon it amounting to 2s. 6d. per acre. That that should be the case after the estate had been for so many years under the same holding was the strongest condemnation of its management. He understood that the portion of the estate referred to was of a very poor quality of land, in which tenants ought to place a large amount of capital, and they would, in consequence, require some certainty of tenure. At present they had neither certainty of tenure nor any guarantee of compensation of the nature contemplated by the Agricultural Holdings Act. The reason given by the right hon. and gallant Gentleman for not applying the Act to these estates was that the tenants were quite satisfied, and that they had not expressed any dissatisfaction at being excluded. Well, he (Mr. Barclay) knew something about the position of tenants at will, who made complaints to their landlord. His belief was that the right hon. and gallant Gentleman had very little to do with the matter. The complaints would not be made to him personally, but to some agent or land factor, who, if a tenant was, as he thought, troublesome and found fault, always found some means of getting rid of him. It was all very well to say the tenants were satisfied, and probably they might be content to go on as long as they could at a low rental, but it must be remembered that one of the strongest arguments used in support of the Agricultural Holdings Act last year was that by giving certainty of tenure, or certainty of compensation, the tenants would be induced to invest their capital and apply their energies to the cultivation of the land so as to make it worth a great deal more than it was at present. This was a matter in which the public were concerned as well as the landlord and tenant. It was said that the number of tenants at will on the Duchy estate was very small, but the result of this exclusion of them from the

Agricultural Holding Act was objectionable because it set a bad example to other landlords throughout the country, especially when the right hon. and gallant Gentleman gave as his reason that it was the best thing he could do in the interests of the estate. The contention of his hon. Friend the Member for Glasgow was that if the Act were applied to the estate it would render the land far more valuable to the Crown, and place the tenants in a more advantageous position, whilst the public would benefit by the increased productivity which would certainly result. Until certainty of tenure and certainty of compensation were granted to the tenants, it could not be said that the estates were managed to the full advantage either of the Crown itself, the tenants, or the public.

MR. ASSHETON pointed out that the Agricultural Holdings Act, however beneficial it might prove in certain places, was not applicable everywhere. He himself had notified to his tenants his intention of contracting himself out of it, and he had not received a single word of complaint from them on the subject. In fact, if the Chancellor of the Duchy of Lancaster had not contracted himself out of the Act, he would have laid himself open to the suspicion that he was not managing his estates properly.

COLONEL BRISE said, that the Agricultural Holdings Act was a valuable piece of legislation, not only for its direct, but for its indirect effect in leading to the adoption of leases or other suitable agreements by landlords and tenants.

SIR HARCOURT JOHNSTONE believed the tenants of the Duchy of Lancaster were perfectly well satisfied with their landlord, and if asked whether they would prefer the custom of the country or the Agricultural Holdings Act, they would choose the old system. He wished to bear testimony as an independent Member to the fact that the farms under the management of the Duchy of Lancaster exhibited as great progress in agricultural improvement as those in any part of the country. The whole of the estates were under the direction of a most excellent surveyor general. The farms which were contracted out of the provisions of the Act were placed under as favourable conditions as they could.

have been under it, considering how the custom of the country already gave tenant right to farmers leaving their farms, and in those portions of the Duchy which were under long leases, he believed that as those leases fell in the same liberal and enlightened policy would be pursued. He believed that the lands thus held under the Crown might fairly compare with any in the country as to cultivation and produce, and that change of tenants was most rare.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, he did not mean to add anything to the vindication of the conduct of the Chancellor of the Duchy, which was already complete; he only rose to refer to a matter which his right hon. and gallant Friend had omitted to notice, and which he had asked him (Mr. Plunket) to bring before the House. In March last a circular was issued to the tenants of the estate which had been more particularly referred to in which there was a paragraph explaining exactly what the Chancellor was doing. The paragraph was to this effect—

“The Chancellor will shortly have under consideration a plan for the re-construction of the Severals farms. The necessary engineering work for the drainage of the land has now nearly been brought to completion; it remains that by a proper expenditure of capital by the landlord, and of energy on the part of the tenants, under the guarantee of leases for terms of years, this estate should be brought into a proper state of cultivation, for the benefit alike of landlord and tenant.”

THE MARQUESS OF HARTINGTON said, the hon. Member for Glasgow (Dr. Cameron) had done well to call attention to the operation, or rather the want of operation, of the Agricultural Holdings Act in the Duchy of Lancaster. He trusted the hon. Gentleman would be satisfied, and would not take the sense of the House on the Resolution, which might appear to convey censure on the management of the estates by the Chancellor. He (the Marquess of Hartington) had no knowledge of the management of the Duchy of Lancaster estates, but from what had fallen in the debate he had no reason to think that any fault was to be found with the general management of the estates, and certainly there was no fault to be found with the Chancellor for contracting his tenants out of the Agricultural Holdings Act, because he had

acted perfectly properly, and had followed the example of a great many—indeed, the large majority of the landlords of this country, some of them the best landlords in England. Having said that, he thought the decision of the Chancellor a rather curious commentary on the Agricultural Holdings Act as passed by the Government. He ventured in some observations which he made on the second reading of the Bill to express an opinion that the provisions of the Bill would not be found generally acceptable either by the landlord or the tenant. The right hon. Gentleman the Prime Minister—whose unavoidable absence he (the Marquess of Hartington) regretted—contested that assertion, and quoted him, not very accurately, as saying that “there was not the least doubt that every landlord would contract himself out of it.” What he had said was, “that he had reason to suppose that a great number of the landlords would take that course.” The Prime Minister went on to say—

“The noble Lord must have an extensive acquaintance with landlords to authorize him in giving so general and sweeping an account to the House. My experience is of a contrary description; but if the noble Lord is correct in the latter part of his speech, that one of the great features of the Bill is that it changes the presumption of the law, and changes it in favour of the tenant, it is not very probable that the landlords would find their tenants so ready to contract themselves out of the Bill.”—[3 *Hansard*, ccxxv. 524.]

He thought it was shown, from the speeches made that evening, that he had been able to form a better opinion of the probable effect of the Agricultural Holdings Bill than the Prime Minister, who was responsible to the House for the measure. It had been said, by the hon. and gallant Member for East Essex (Colonel Brise), that although the Act had not been operating to any great extent, it had done a great deal of good, as it had led generally to the granting of leases or suitable agreements. That was no great claim to make for the Act. Precisely the same might be done, however bad the provisions of the Act; in fact, the worse the Act was the more it would lead to these agreements. The provisions of the Act had been found, not in one part or in one set of cases only, but all over England, almost universally, to be totally inapplicable to the cases it was intended to meet. It seemed to him a dangerous principle to pass

legislation which was not to be obeyed, and then to congratulate themselves on having passed an Act from which landlords and tenants would be obliged to fly. He believed still more this Session than last that the Act was not intended to have any practical operation. He believed it was intended to meet a certain amount of agitation which had arisen in various parts of the country, and that it was intended to stop the mouths of those who were described by the right hon. Gentleman as "philosophers and economists." He did not believe that the Government thought it would have any general application, and if that was not their intention they were not disappointed.

MR. HUNT said, the noble Lord opposite (the Marquess of Hartington) had just made some general observations upon the policy of the Government in introducing the Agricultural Holdings Act, and he laid it down that it was not a *bond fide* policy—that it was not intended to benefit agriculture, but to stop the mouths of agitators. He thought, considering the pains that were taken as to the details of the measure, the noble Lord might have held a more charitable view of it. He ventured to say the Act had not been so inoperative as the noble Lord said. What was the principle of the Act? It was that where a tenant had not the security of a lease, he should, on finishing his holding, obtain compensation for unexhausted improvements. It was stated by the supporters of the Bill that on many estates it would not be required—for instance, on large estates where leases prevailed, and where proper agreements already existed, and where the principle of the measure was generally recognized, and where the tenants had security for their improvements. But it was also contended that such a measure was required in the case of estates where there were no proper agreements, and where the tenants had not the security of leases. It was on such estates that the Act was intended to be operative, and it was specially required in the case of glebe lands and rectorial farms, where the rector had not the power to give compensation. Now the noble Lord and others who preceded him stated that the Act had not been generally adopted throughout the country, and that he believed was true; but it was not so, for

this reason that, as regarded the great majority of landed estates in England the principle of the Act had already been adopted, the equitable provisions of the Act already existing in the agreements which subsisted between the landlords and their tenants. In those cases it was not to be expected, when the particular character of the holding was considered, that special provision to meet the requirements of the Act would be made, and that the parties interested would not contract themselves out of its operation. In respect of other estates where no such agreements had been entered into, or where the existing agreements did not provide security for the tenant, the principle laid down by the Act had, he believed, been very generally adopted—that principle being incorporated in new and substituted agreements. He therefore ventured to think that the Act had been and was a great advantage to the tenant and to the country at large, and that the indictment which had been preferred against the Bill and its authors could not be sustained. The more the provisions of the Act became known the more widely, he believed, would they be made available, and although, in the first instance, a great many proprietors and tenants had been a little shy in coming under the special provisions of the Act, yet he could not but think that in a few years the Act would be adopted *in extenso*, and that many capitalists would in consequence be induced to embark their money in the cultivation of land to the great and material benefit of the country.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 226; Noes 53: Majority 173.

INDIA—THE MALAY PENINSULA— MURDER OF MR. BIRCH.

OBSERVATIONS.

MR. ERNEST NOEL, in rising to call attention to the circumstances connected with the murder of Mr. Birch, late British Resident at Perak, and to the intervention by the authorities of the Straits Settlements in the affairs of the Malay Peninsula, said, he thought that the importance of the subject warranted the House in asking the Govern-

ment to inform the country and the House what their policy with regard to the Malay Peninsula was. It was not only that an official of the British Government had been cruelly murdered, because that might be a mere accident, and he thought he should be able to show that that was not a preconceived plan. But what he thought demanded some official explanation was the policy the Government were pursuing with regard to the Malay Peninsula. He would commence by premising that when the Malay Peninsula was under the control of the East India Company, and subsequently of the India Office, the action of both those authorities was guided by the principle of non-intervention in the Malay States. Owing, however, to the growth of our commerce and other causes, Lord Kimberley was subsequently induced to invite our Governor at Singapore—the Governor of the Straits Settlements—to inform him whether it would be possible to station a Resident at the different Malay ports; and Sir Andrew Clarke, following up that invitation, decided that it would be the best policy to adopt considering the state of anarchy which prevailed in the Peninsula. At that time there were two disturbing elements at work producing that anarchy and confusion. In one of the provinces, there being rich tin mines, a large number of Chinese, as many as 40,000, were working. Their migrations were governed by secret societies, and it happened that a great subject of contention had arisen, which divided them into two equal parties, between whom constant quarrels occurred, which had developed themselves into something like war. To such an extent did these quarrels spread that, on one occasion, no less than 3,000 Chinese were killed, and it was brought to the notice of the Governor that if these riots were to continue much longer, and if the Malays were allowed to remain in the state of anarchy in which they were, at least one-half of those quarrels would have to be fought out on British soil. That anarchy, he might add, was increased by the disputes as to who should be Sultan. The Sultan of the Malays had died just before, and the next heir, the Rajah Abdullah, long refused to attend to the Royal obsequies, and, the presence of the new Sultan being indispensable, the chiefs elected another in

his stead—the Rajah Ismail. But this did not receive the acquiescence of Abdullah, who, being naturally incensed, publicly announced his intention to fight for his rights, so that the quarrel became something like those between the Highland Chiefs in times gone by, there being in the Province of Perak only about 25,000 Malays, with several Rajahs at their head. That being the state of affairs, Sir Andrew Clarke called the Chiefs together with the view of putting an end, as far as possible, to the anarchy which existed. The Sultan Ismail would not attend the conference, but a large number of other Chiefs were present, and a Treaty or engagement was entered into, at Pangore, by which Ismail was dethroned and Abdullah chosen in his place; and also, with the consent of the greater number of Chiefs, it was agreed that Residents should be appointed. By the 6th section of this Treaty it was provided that the Sultan should receive and provide a suitable residence for a British officer, who was to be called a Resident; who should be duly accredited to the Court of the Sultan, and—

“Whose advice must be asked and acted upon on all questions other than those touching the Malay religion and custom.”

By its 7th section the Treaty further provided that the collection, control, and general regulation of the revenues and the general administration of the country was to be regulated under the advice of the Residents. This engagement was sent home to England, passed under the eye of the Colonial Minister, and was approved by him generally in a despatch, upon which a Proclamation was issued in the name of “Victoria, by the Grace of God, of Great Britain and Ireland, Queen and Empress of India.” Singularly enough, this much debated title was used in a public Proclamation in the Malay Peninsula in 1874! This document stated that Her Majesty would look for “the exact fulfilment of all the pledges now voluntarily given,” and that she “would hold responsible those who broke engagements thus solemnly agreed upon,” which, of course, if it meant anything, meant that if necessary, force would be used in carrying out the terms of the Treaty, and it was under those circumstances that Mr. Birch proceeded to Perak, and he was altogether unable to understand how it could have

been supposed by any person that his position was to be merely that of adviser. Very soon, however, Mr. Birch did undertake the duties of a Ruler, and assumed those functions. It was found that Sultan Abdullah was a man of an indolent character and profligate habits, who spent his time in opium-smoking, and was not to be trusted; and the Resident, after giving him the best advice he could, took the real rule of the country into his own hands. The inhabitants of the country, as he had said, were divided in their allegiance. A large section of the people stood by Sultan Abdullah, but a large number supported the pretensions of Ismail, and thus a considerable division had occurred. This state of anarchy continued, and some of the principal Chiefs applied to the Governor, Sir William Jervois, to take some step in advance, upon which he appointed two Commissioners to govern the country in the Queen's name—so that they were no longer Residents to advise, but Commissioners to govern. With regard to the actual circumstances attending the murder of Mr. Birch, it was a mistake to suppose that it arose from the Proclamation issued from the Colonial Office after the execution of the Treaty to which he had referred. At the time when the Proclamation relating to the appointment of the Commissioner arrived, a feeling of great irritation existed among the population, and it was heightened by the religious excitement attendant on a Mahomedan festival held at that season of the year. In pursuance of Mr. Birch's orders, his Malay servant proceeded to post up outside the Residency the Proclamation, which a native, on being told that it was the form in which the British Government took possession of the country, immediately tore down. A scuffle ensuing, Mr. Birch's servant stabbed his opponent to the heart, whereupon a cry was raised and an attack was made upon Mr. Birch, who was at once killed in his bath. He was satisfied from a careful perusal of the documents that had been laid before Parliament that the crime had been committed in the heat of the moment without the slightest premeditation. In his estimation the real question was how far the Colonial Office was justified in allowing a British officer to occupy a responsible position in the Peninsula without giving to him

the adequate material support necessary for the carrying out of his duties. Owing to the position in which Mr. Birch had been left, he had been brought into collision with many of the petty Chiefs, and at the same time he had not been granted the means of carrying out the policy which he had been urged to initiate. Either he ought to have been a simple adviser, or he ought to have been surrounded with such a force as would have rendered an attack on the Representative of the Sovereign of England impossible. The Papers showed distinctly that Her Majesty's Government ought to have known that it was impossible that Residents could have held their position properly without some such help, and the Governor would have been justified in asking for such a force. As to the subsequent events, he feared that in the course which we had taken to punish the murder of Mr. Birch we had been actuated too much by a feeling of revenge, or at least that the chastisement inflicted was more severe than it ought to have been. He denied that the principle of Residents had proved successful, and he wished now to ask Her Majesty's Government what policy they intended to pursue in the future with regard to these semi-civilized States? They ought clearly to state that policy in the interests of all concerned, whether Malays, Chinese, or Englishmen. In his opinion, there were only four courses that could be adopted. The first was absolute non-intervention, which he did not think could now be adopted. The second was to have a Resident whose functions should be strictly limited to giving advice. Experience had proved that that was not likely to be most conducive to the honour of this country. The third alternative was to have Residents who would be backed up by the Imperial power, and he should be glad if such a policy could be found possible. The fourth was that of annexation, which he believed an unfortunate solution of the difficulty. But, under the circumstances, opposed as he was to that policy, he was afraid that we had drifted into a position in which it had become an absolute necessity in order to protect our commercial interests, and to develop one of the most beautiful and richest countries in the world. As far as the Chiefs were concerned, they were willing to receive

pensions at our hands, and as regarded the Malay people, he thought there were few who knew anything of them who would not say that they would be far happier under British rule than they were under that of their own Sultans. In the present state of things, therefore, it seemed to him that we had nothing but a bold policy to pursue—namely, that of annexation.

SIR CHARLES W. DILKE said, from experience gained on the spot, he agreed generally with the views of his hon. Friend the Member for Dumfries (Mr. Noel); but he did not go quite so far in believing that annexation was the only possible solution of this matter, although he confessed a great deal could be said in its favour. A solution short of annexation might possibly be found in the re-transfer of our interest in the Malayan Peninsula to the India Office from the Colonial Office. In his opinion, that Department was much better qualified to deal with the difficulties which had arisen than the Colonial Office, or any administration in the country. He had to complain that the official Papers on the subject which had been printed for the use of Members of the House had been so long delayed in their distribution, and that they were in such a jumbled and confused state. They did not contain the conclusion of the Correspondence, nor did they state the views of the Government on a most important point—namely, the policy which was to be pursued in future. So far as he had been able to master them, it seemed that Lord Carnarvon had very strongly censured Sir William Jervois. Lord Carnarvon, in fact, seemed to lay on Sir William Jervois the responsibility for the death of Mr. Birch. He (Sir Charles Dilke) could hardly think that such censure was merited, but he did not wish to go too far in defending Sir William Jervois from the censure of the Government, because no doubt there was some indiscretion in the conduct of that officer in that he had been guilty of publicly advocating a policy of annexation without the authority or support of Her Majesty's Government. We were involved in the Malay Peninsula in many of the difficulties we had experienced on the Gold Coast, where, in the protected States, we gave something like countenance to slavery. From Captain Speedy's Re-

port and a communication forwarded to the Colonial Office by Lord Stanley of Alderley, we could see that there was a large amount of slavery in the Malay territories. Captain Speedy said three-fourths of the population were what he called "debt slaves," but slaves they were in every sense of the word. The course which we had pursued with reference to the coinage and other matters had produced very great discontent among the population, and had no doubt a good deal to do with the circumstances which led to the death of Mr. Birch. All must regret the loss of so able a public servant and a gentleman of such high personal character as he was allowed to be, but nevertheless Mr. Birch was not the right man for the post, and it could not be doubted that his own conduct had contributed in a great measure to that unfortunate event, for he did undoubtedly involve himself in personal action towards the Malays, which led not only his Malayan, but his white friends to warn him.

SIR GEORGE CAMPBELL said, that the Government had treated the House shabbily in staving off discussion on this question until it had become stale, on the plea that they should wait for Papers, and then that morning throwing at the head of hon. Members three Blue Books, in which everything was to be found except what hon. Members wanted to know. The consequence was that the debate was being carried on before empty Benches. He was inclined to fear that the Government had permitted this matter to drift too much. The one point upon which the House desired information was as to the policy which the Government meant to pursue in regard to the Malay Peninsula, but none had been vouchsafed. The simple question was whether, in one form or another, this country should assume the control of the Peninsula. The Malays were not pirates in the sense of committing piracies outside their own territory, but the state of anarchy in the country was so great that this country would be fully justified in interfering if it were expedient that they should do so. The great defect of that country was the want of population. There were *pros* and *cons* upon that question of expediency. An hon. Member had said that if the Government adopted a policy of annexation, it could be done without much expense. From

Mr. Ernest Noel

that opinion of his hon. Friend he differed. Some persons compared the Malay Peninsula with Java and Ceylon; but there was this great difference—that by far the greater part of the Malayan Peninsula was an absolutely unknown jungle, and in addition to controlling first the Malays and afterwards the Chinese, it would be necessary to introduce a large population to render the country productive, a thing which could not be done without expense. He could therefore quite understand that the Government would hesitate before they decided upon a policy of annexation, and he would express a hope that that would not happen which had happened in other cases, when there was a long bill to pay, handing it over to India for the ryots to pay, instead of paying it ourselves. The result of the transfer about nine years ago from the India Office to the Colonial Office had not been good, and he found fault with that office for not exercising a sufficient control over the policy of the Governors of Crown colonies. When the Settlements were subject to the Government of India, the local authorities were not allowed to have their own way too much; but now these people had been suffered to follow out their own ideas by the Colonial Office. To allow a small knot of local mercantile men, without responsibility, to direct our proceedings and to drag in the British Army and Treasury to back them up, should not be permitted. The Residents in the Straits Settlements were quite right in calling this the Clarke policy. Sir Andrew Clarke established a system of Residents, which amounted to annexation in the Dutch form, as practised in Java, rather than the English form. He found two Chiefs fighting against each other, and said to one of them—"I will back you up and make you Sultan, if you will accept a Resident." That policy might be in some cases, to a certain extent, successful; but it was somewhat dangerous that the Governor should throw himself into the hands of a small knot of people around him, and allow them to guide him in the affairs of the whole Peninsula. It was clear from his addresses to the Legislative Council that Sir Andrew Clarke appealed to the cupidity of the British merchants who were settled there. He called upon the non-official members of the Council, in

rather tall talk, to help him in founding a great colony upon the ruins of ancient Empires; but surely people who wished to do so should do so with their own means and money. The policy of Sir Andrew Clarke, practically amounting, as it did, to annexation, ought not to be adopted without the deliberate assent of the Colonial Office; but he feared that the Government at home had, instead, allowed themselves to drift into that policy. A considerable amount of patronage was afforded to the Europeans in the Straits Settlements by Sir Andrew Clarke's policy of annexation, and he strongly objected to some of the appointments of Residents, taken from this limited community. One of the persons so appointed was Mr. Davidson, who had had money dealings with the Native Prince with whom he had been made Resident. It was true that Mr. Davidson had made a formal transfer of the claim; but it was clearly a nominal transfer only; he was still, in fact, the Prince's creditor, and as such was appointed to administer his revenue. The first use which Mr. Davidson made of his position was to prosecute a grand mining company, in which he was the principal partner. Such an appointment was a most improper one, and ought never to have been made. Another appointment was that of Captain Speedy, who might be a fine fellow, but was a sort of free lance such as used to go about in the Middle Ages, placing himself at the disposal of different Princes. Some time ago he had come into contact with this Captain Speedy, who was then enlisting soldiers in the Punjab and was about to proceed with them in a steamer from Calcutta to the Straits. The Indian Government stopped him on that occasion. Captain Speedy had got permission from some Malay Chief to recruit soldiers, and a little later on he did get some together for this service. Next he came to Sir William Jervois, who, he thought, had been rather hardly treated in this matter. Sir Andrew Clarke having practically assumed the administration of these territories, Sir William Jervois went a step further, but it happened that disaster ensued, and instead of meeting with approval he met with a good deal of censure. He sincerely hoped Her Majesty's Government would not let the question of policy be determined by the Governors of Colonies

whose speeches he quoted. They were in the habit of delivering very long speeches on the subject. He trusted the Government would tell the House what they proposed to do in regard to the cost already incurred in consequence of the events in the Malayan Peninsula. It was stated that something like £100,000 had been spent in transporting troops backwards and forwards, and he should like to know by whom this expense was to be borne? If not by the Colony then he objected to the large expense of carrying backwards and forwards troops to and from Calcutta. Practically it placed the Army and Navy of Britain at the beck of the Government of a small Settlement. If that was to continue, he wanted to know whether the cost was to be paid out of the revenues of the Settlement or by the Colonial Office, or, in other words, by the British taxpayers? He was strongly of opinion that it ought not to be imposed on the Indian Government.

MR. LAING agreed that great injustice would be perpetrated if any portion of the expense of this Malayan enterprize were thrown on the Indian Exchequer. At the same time annexation to India might have such a value in many respects, as to make it desirable to keep the question open. It might be necessary to carry out a policy of annexation, and in that case it would be well for the English to have the power of transferring what would then be an English colony to the Government of India. At the time when the finances of India were in such distress after the Mutiny, among the measures of retrenchment that were considered was one as to the expense of maintaining the Singapore Settlement. It was then established that India was paying for the support of a dependency with which she had no special connection. If any idea were entertained of handing over to India the whole of the Malay Peninsula, a proceeding which, in his opinion, on a review of the whole of the circumstances, it was expedient to take, an allowance ought to be made to India in respect of the cost of the transfer. If that were not done, at any rate security should be taken that none of the expenses of that transfer should fall on that country. There was only one way in which the Peninsula could be rendered like what the Governors represented—namely, by

Chinese immigration. If that were encouraged, it would be of great advantage both to the English and to the Indian Governments. If things were left in their present state we must drift gradually into a policy of annexation.

GENERAL SIR GEORGE BALFOUR remarked that annexation had been practically going on ever since the time when he first served in the Straits of Malacca—indeed ever since the free trade port of Singapore was established in 1819 under the wise selection of Sir Stamford Raffles and Mr. Crawford—in so far that the influence of our power had been gradually year by year extending and our authority recognized and accepted by the various petty Rajahs and Chiefs ruling in the numerous territories into which Malay Land was divided. It was impossible for the British power to continue to hold these free trade settlements in the Straits of Malacca without that supremacy which was the natural result of a great nation acting with fairness and honesty, as our Government had done, over a vast area occupied by Chinese and Malays anxious to live in peace, fully alive to the comparative excellence of our rule, and, above all, appreciating the benefits which our free trade policy gave them. Then, as regarded wars and disturbances in that vast area, they had been repeatedly threatened from the time we bought Penang in the last century, and especially since we had occupied Singapore and Malacca; and they were unavoidable so long as we enforced order, put down piracies, and prevented aggressions against our rule or our people. In his youth he was several times under orders to take the field against the Malays, but he could bear testimony to the anxious desire of the British authorities to abstain from encroaching on the nominally independent rights of the petty Chiefs who unfortunately misgoverned that tract which was beyond our boundaries. There was, however, a great temptation to annex by force, instead of waiting for the natural and unavoidable amalgamation which year by year, as our Settlements prospered, must be effected by the desire of the people in the neighbouring States to fall under the control of a good and peaceable Government. There was, indeed, a great temptation to expedite that union, for the land was full of natural resources, and all who had

Sir George Campbell

Gentleman the Member for Kirkcaldy (Sir George Campbell) and others had contended that the present Secretary of State ought to have known that affairs were drifting into an unsatisfactory or dangerous position; but he (Mr. Lowther) was certain that when hon. Members had more thoroughly perused these Papers and glanced at the despatch of Lord Carnarvon of May 20, they would arrive at the conclusion that until the news was received of the deplorable events which had occurred in that country the Colonial Secretary was not at all aware that there had been any departure from the terms of the Treaty which he had himself sanctioned. But the policy which had been inaugurated by Sir William Jervois and carried into effect by Mr. Birch was a serious departure from the existing state of affairs. He (Mr. Lowther) entertained a very strong opinion that any unnecessary interference by the Home Government with the ordinary routine of the Government of distant Settlements was undesirable, and likely in most cases to be mischievous. Such an interference was calculated to diminish the responsibility of the local Government, and was not likely to promote the interests of the public service. He might add to this far more important question, the energetic action on the spur of the moment necessitated by any sudden outbreak, or matters which could not be contemplated by the Home Government—in all these cases he considered that the action of the Home Government would be most mischievous if it tended in any way to diminish the responsibility of the local administrative Government or any possible interference with its action. But when the question was not one of minor details or sudden emergency necessitating immediate action, and when the position of affairs was an important change of policy extending to an indefinite future, he considered that the conditions he had indicated in no shape or form applied. Under such circumstances as these it was the duty of a Governor to communicate with the Secretary of State before adopting so serious an innovation upon the state of affairs. Sir William Jervois, however, apparently satisfied himself that the *status quo* should be changed, and he did not communicate with the Home Government before he adopted the

idea which was in his own mind. That was a course of proceeding much to be deplored, for in the selection of the new policy conferring the virtual direction of Governments that were nominally independent upon the Residents, a step was taken that was a very serious innovation, and one which had not led to very satisfactory results. Reference had been made to that unfortunate occurrence—the death of Mr. Birch, and with regard to the details of that untoward event, it had been mentioned in the course of the debate that the Secretary of State had called the attention of Sir William Jervois to the fact that the outbreak could not be dissociated from the introduction of the new policy, and this expression of opinion was disapproved by one hon. Gentleman. He (Mr. Lowther), however, contended that his noble Friend would not have fulfilled his duty if he had failed to point out that this unfortunate outbreak had followed close upon the introduction of the new policy, but he did not for a moment place upon Sir William Jervois the responsibility for the actual death of Mr. Birch. His noble Friend did not desire to censure, he only stated his views of the conduct of Sir William Jervois, and he concluded by expressing confidence that there would be no difficulty in his adapting himself to the policy that was placed before him. The Colonial Office was not responsible for the transactions that had taken place; in fact, it was a departure from the policy of the Colonial Office that led to these deplorable events. The outbreak was followed up by more serious disturbances, which showed that the condition of the Native population was such as gave reason for considerable alarm. A good many suggestions had been made as to the future policy which should be followed out with regard to these Settlements. The hon. Gentleman opposite (Mr. Noel) spoke of the chastisement—that was his expression—inflicted upon the disturbers of the peace, and spoke of it as being excessive. Now, he (Mr. Lowther) thought it would hardly be contended that there had been any great excesses. Of course when war came among any people events unfortunately occurred which those who calmly viewed the circumstances at a distance were unable to do otherwise than regret. But so far as he had been able to make himself master of

had recommended, a large and steady immigration of Chinese, for nothing could be wiser than to encourage the settlement in the Peninsula of that industrious people, who could very easily be brought there. No country was better adapted for being opened out to commerce than the Malay country, but to promote that end it was necessary to prevent the Malay Chiefs, who in general were a cock-fighting and opium-eating set of men, from carrying on their devastating wars and their piratical expeditions.

MR. J. LOWTHER confessed that he could sympathize with the feeling of hon. Members who complained that the voluminous Papers relating to that subject had been delivered to them only that morning. But it could hardly be otherwise, seeing that he had occasion some weeks ago to state that the production of all those Papers was of necessity delayed until the Colonial Office had received from Sir William Jervois an important despatch, which was to contain an explanation of the conduct he had pursued as to the deplorable events in the Straits Settlements. Sir William Jervois had wished, not very unreasonably, that not only should his despatch when received be included among the Papers laid before Parliament, but that the publication of all the other Papers should be delayed until his defence could appear along with them. The Secretary of State could not fairly have returned any other answer than the one he gave—namely, that the publication of further Papers on the subject should be delayed until Sir William Jervois's defence could be included among them. Then, of course, the Secretary of State would not have been justified in allowing Sir William Jervois's despatch to appear without his own reply, and thus the delay in the publication of the Papers was brought down to a very recent period. He regretted that hon. Members had had so short a time in which to master the particulars contained in these voluminous Papers; but they were pressed on at the last moment, so that they might be in the hands of hon. Members when this question was brought forward. The hon. Member for Dumfries (Mr. Noel) had recited very plainly the facts of the case, and as he had pointed out, there was considerable property in mines and an extensive commerce in which a

considerable amount of British capital was employed in the Straits Settlements and neighbouring territories, and this country was therefore concerned in the maintenance of order and good government there. That caused the British Government to have a practical interest in the administration of the surrounding States. Of course, the question remained to what extent that interest should be carried, and what shape it should assume. It had been already said that our relations with these States had been brought into unfortunate prominence by some riots that had occurred in connection with some emigrant Chinese, who, though a most useful and industrious race, were apt to cause local dissatisfaction where they settled. The disturbance began among the Chinese themselves; but the Malays sided with one or other of the combatants, and necessitated the intervention of some stronger power. In that state of things Sir Andrew Clarke found himself called upon to deal with the disputed succession to the Sultanhip. The choice of the Chiefs fell upon Ismail, but Sir Andrew Clarke thought the interests of this country could be better served by a different choice, and at his instance Abdullah was appointed. Of that personage all he (Mr. Lowther) would say was, that if he was the best that could be chosen, his selection did not reflect great credit on his rivals, and he would at once admit that he did not seem particularly fitted for government. His addiction to the practice of opium-eating now calculated to raise doubts as to his being likely to prove a very energetic ruler. Then followed the Treaty of Panghore—which might be considered the starting point of our difficulties—in which it was clearly laid down that the Residents at the various Courts were to act as advisers. From the fact that the advice of the Residents was to be asked and acted upon, the hon. Member who introduced the discussion concluded that the British Government intended actively to intervene in the affairs of the States in question; but a careful perusal of the language of the Treaty, together with the despatches relating to it, would show that no such understanding existed. The subsequent Proclamation, to which reference had been made, however, upon the face of it involved a serious departure from the terms of the Treaty. The hon.

Mr. J. Lowther

Gentleman the Member for Kirkcaldy (Sir George Campbell) and others had contended that the present Secretary of State ought to have known that affairs were drifting into an unsatisfactory or dangerous position; but he (Mr. Lowther) was certain that when hon. Members had more thoroughly perused these Papers and glanced at the despatch of Lord Carnarvon of May 20, they would arrive at the conclusion that until the news was received of the deplorable events which had occurred in that country the Colonial Secretary was not at all aware that there had been any departure from the terms of the Treaty which he had himself sanctioned. But the policy which had been inaugurated by Sir William Jervois and carried into effect by Mr. Birch was a serious departure from the existing state of affairs. He (Mr. Lowther) entertained a very strong opinion that any unnecessary interference by the Home Government with the ordinary routine of the Government of distant Settlements was undesirable, and likely in most cases to be mischievous. Such an interference was calculated to diminish the responsibility of the local Government, and was not likely to promote the interests of the public service. He might add to this far more important question, the energetic action on the spur of the moment necessitated by any sudden outbreak, or matters which could not be contemplated by the Home Government—in all these cases he considered that the action of the Home Government would be most mischievous if it tended in any way to diminish the responsibility of the local administrative Government or any possible interference with its action. But when the question was not one of minor details or sudden emergency necessitating immediate action, and when the position of affairs was an important change of policy extending to an indefinite future, he considered that the conditions he had indicated in no shape or form applied. Under such circumstances as these it was the duty of a Governor to communicate with the Secretary of State before adopting so serious an innovation upon the state of affairs. Sir William Jervois, however, apparently satisfied himself that the *status quo* should be changed, and he did not communicate with the Home Government before he adopted the

idea which was in his own mind. That was a course of proceeding much to be deplored, for in the selection of the new policy conferring the virtual direction of Governments that were nominally independent upon the Residents, a step was taken that was a very serious innovation, and one which had not led to very satisfactory results. Reference had been made to that unfortunate occurrence—the death of Mr. Birch, and with regard to the details of that untoward event, it had been mentioned in the course of the debate that the Secretary of State had called the attention of Sir William Jervois to the fact that the outbreak could not be dissociated from the introduction of the new policy, and this expression of opinion was disapproved by one hon. Gentleman. He (Mr. Lowther), however, contended that his noble Friend would not have fulfilled his duty if he had failed to point out that this unfortunate outbreak had followed close upon the introduction of the new policy, but he did not for a moment place upon Sir William Jervois the responsibility for the actual death of Mr. Birch. His noble Friend did not desire to censure, he only stated his views of the conduct of Sir William Jervois, and he concluded by expressing confidence that there would be no difficulty in his adapting himself to the policy that was placed before him. The Colonial Office was not responsible for the transactions that had taken place; in fact, it was a departure from the policy of the Colonial Office that led to these deplorable events. The outbreak was followed up by more serious disturbances, which showed that the condition of the Native population was such as gave reason for considerable alarm. A good many suggestions had been made as to the future policy which should be followed out with regard to these Settlements. The hon. Gentleman opposite (Mr. Noel) spoke of the chastisement—that was his expression—inflicted upon the disturbers of the peace, and spoke of it as being excessive. Now, he (Mr. Lowther) thought it would hardly be contended that there had been any great excesses. Of course when war came among any people events unfortunately occurred which those who calmly viewed the circumstances at a distance were unable to do otherwise than regret. But so far as he had been able to make himself master of

what really occurred, he could not say that any undue chastisement was inflicted upon those parties who not only murdered a British officer, but inflicted outrages upon other people besides. It was necessary to follow up those fugitive Chiefs into the recesses of the country, a feat which required great gallantry, and in carrying it out as little excess as possible, under the circumstances of the case had been committed, and he thought that few wars, great or small, had been carried on more humanely. The hon. Gentleman the Member for Kirkcaldy introduced an important question—who was to pay the bill for the expenses of the war? He was afraid it would fall on the unfortunate British taxpayer. The population, or the want of population, had been referred to, and no doubt there was an absence of an adequate population; and it was said, and he perfectly agreed with it, that this evil could be removed by the introduction of Chinese and East Indians. No doubt the present population was unruly; the Malays had never been remarkable as a very peaceful race; anarchy was their characteristic condition and piracy their favourite pursuit, and the practice of levying blackmail upon unfortunate persons who entered a territory which was more or less governed by these Chieftains, as far as it could be said to be governed by anybody at all, would no doubt have to be guarded against. The hon. Member for Kirkcaldy said he thought the Governor deferred too much to his Council, which the hon. Member said was composed mainly of merchants who were connected with the trade of the district. The Council consisted of 16 persons; 11 were official members, who could not be in a position to exercise much pressure on the Governor, and five were non-official members, who were nominated by the Governor himself. He should have thought that those who advocated the representation of the people in its most extensive form would hardly have made the complaint which had been made. The Governor of a colony would be placed in a most unenviable position if he could not recur to the advice of any person. A Council composed to some extent of merchants, but mainly of officials who were conversant with the locality, was a Council of which most Governors would very much regret to be deprived. He was not prepared to say how

far the Governor might have been misinformed as to their capabilities; but so far as he understood the matter, he believed they had discharged their duties most efficiently. Several suggestions had been made as to the new policy which ought to be pursued. The hon. Member for Dumfries first of all said there was the policy of non-intervention; but the hon. Member, and he (Mr. J. Lowther), thought the House generally were of opinion that that policy, however desirable, was impossible. The British capital invested in these territories, and the unfortunate tendency of the population to marauding and piratical habits, rendered such a policy impossible. The second was the policy of Sir Andrew Clarke—Residents pure and simple, without further duties being entrusted to them. The third was Residents backed by bayonets, with a large military force at their disposal. Finally, the hon. Member indicated the policy of direct annexation. The hon. Member said he was originally opposed to any such policy, but that, after a fuller consideration of the case, he had reluctantly arrived at the conclusion that that was a sound policy. Another course had been suggested by the hon. Member for Chelsea (Sir Charles Dilke)—the re-transfer of the Government of the Straits from the Colonial to the India Office. Now, after the events which had recently occurred, it could not be supposed that the Colonial Office would be displeased at any suggestion which might relieve them from a difficult duty. But he could not for a moment encourage the House with the idea that that would be the alternative that would be selected by Her Majesty's Government. Her Majesty's Government, on account of the events which had recently occurred, would devote their anxious consideration to the question of the future government of these territories. His noble Friend had given his most serious attention to the subject. He (Mr. J. Lowther) was not able to make an announcement to the House of any new policy that was to be adopted. He could only assure them that this most important subject would be fully considered, and that at the earliest possible moment an announcement would be made to Parliament of the course which Her Majesty's Government were prepared to adopt.

Mr. J. Lowther

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—CIVIL SERVICE ESTIMATES
—CLASS III., VOTE 3.

SUPPLY—considered in Committee.

(In the Committee.)

THE OFFICIAL REFEREES.

THE CHANCELLOR OF THE EXCHEQUER in proposing a Vote of £144,025, for the Chancery Division of the High Court of Justice, said: I shall, perhaps, consult the convenience of the Committee if I say a few words on this Vote. When it was last before the Committee an objection was taken to the appointment of one of the Official Referees, and as that objection was taken at the moment when we had very little information on the subject, I thought it would be respectful to the Committee that the Vote should be withdrawn in order that we might communicate with the Lord Chancellor on the appointment. The Lord Chancellor thought the proper course would be to write me a letter which he has requested me to read to the Committee. I ought to explain that the letter was some few days in reaching me because the Lord Chancellor thought it right to show it to the three Chiefs of the Common Law Division, whose names were referred to in it, in order that they might point out any inaccuracy. The Lord Chancellor's letter is as follows:—

"March 14, 1876.

"My Dear Chancellor of the Exchequer,—As some question has been raised as to the Official Referees under the Judicature Act, I think it better to inform you of the circumstances connected with their appointment.

"According to the statute, the number, qualifications, and tenure of offices of the Referees is to be determined by the Presidents of the Divisions of the High Court of Justice with the sanction of the Treasury. The appointments of Referees are to be made by the Lord Chancellor.

"Acting under the Statute, the Presidents of Divisions, with the assent of the Treasury, determined that there should be four Referees; that they should be Barristers or Solicitors of ten years' standing; and that they should hold their offices during good behaviour, subject to removal by the Lord Chancellor, with the concurrence of the other Presidents of Divisions, or any two of them, for inability or misbehaviour.

"The first of the four Referees appointed by me was Mr. Anderson, Q.C., a gentleman of long standing, high reputation, and considerable prac-

tice at the Bar. I found that he had, before I came into office, accepted the post of examiner of the Court of Chancery, on an expectation held out to him that he would be appointed an Official Referee. By this arrangement I was in no way bound, but I considered it so advantageous to the public service that I had no hesitation in confirming it.

"With regard to the other three Referees, I requested the Chiefs of the three Common Law Divisions (inasmuch as I was myself less acquainted than they must be with the qualifications of gentlemen practising at the Common Law Bar) to favour me each with the names of three gentlemen whom they would consider well qualified to fill, and who would be likely to accept, these offices. I have their permission to state what was the result. I did not receive from the Lord Chief Justice of England any recommendation. Lord Coleridge and the Lord Chief Baron were so good as to furnish me each with three names. I selected the first two names upon Lord Coleridge's list. One of them was Mr. Dowdeswell, Q.C., a gentleman whom I did not know personally, but who had been so highly recommended to me on former occasions that about a year since I offered him a County Court Judgeship, which he then refused. The other was Mr. Roupell, who was well known to me at the Bar, and whom I believe to be in every way fit for the office. The fourth Referee whom I appointed, Mr. Verey, stood first on the list of the Lord Chief Baron. He was not known to me personally, but I had in addition to the strong opinion of the Lord Chief Baron very marked concurrent testimony in his favour, and I believe him to be perfectly well qualified for the office.

"I should have been glad if the official Referees could have entered upon their new duties without a public discussion as to their qualifications, which cannot, I fear, have otherwise than a prejudicial effect.

"I have not referred to the details which I have given with any intention of placing the responsibility for the appointments elsewhere than on myself. The responsibility is mine alone, and I am perfectly satisfied that all the gentlemen appointed are fully qualified to discharge the duties of their offices.

"I am, yours faithfully, CARINA.

"The Right Hon. Sir Stafford H.

"Northcote, Bart., M.P."

The communication I have read shows two things—first, that the gentleman to whose appointment objection was taken was appointed by the Lord Chancellor, not from personal favour, because he had no personal knowledge of him, but upon his being recommended to him by the Lord Chief Baron. The other point was that, although the recommendation was made by the Chief of one of the Common Law Courts, the appointment was made by the Lord Chancellor upon his own responsibility. The Lord Chancellor took occasion to make inquiries as to the fitness of this gentleman for the office, and

when he was satisfied as to his fitness he made the appointment on his own entire responsibility. The Lord Chancellor feels strongly on this matter as one affecting his personal character. It was his duty to find persons who were both qualified and who were willing to accept the appointment; and, in addition to the recommendation of the Lord Chief Baron, he thought it right to seek out other testimony which satisfied him as to the fitness of Mr. Verey. These are the circumstances, and I do not know that I can add anything more to the matter except to repeat that this appointment was not lightly made, and that it was made with a due sense of responsibility by the distinguished person to whom I have referred. I trust the Committee will now agree to the Vote, and will therefore move it.

Motion made, and Question proposed,

"That a sum, not exceeding £144,025, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1877, for such of the Salaries and Expenses of the Chancery Division of the High Court of Justice, of the Court of Appeal, and of the Supreme Court of Judicature, as are not charged on the Consolidated Fund."—(*Mr. Chancellor of the Exchequer.*)

MR. WADDY, in moving the reduction of the Vote by the sum of £1,700, said, the Government had no right to be unprepared when the Vote was last before the Committee, and the inquiries which had been made since ought to have been made, and the information gained in answer given on that occasion. On the 15th of February he put a Question to the Home Secretary as to the appointment of Mr. Verey. It was answered in very much the same spirit as the Lord Chancellor's letter, and, instead of giving the House the information he wanted as to Mr. Verey, the other Official Referees were classed together, as if the Question had been asked as to them. He declined to accept that answer, and he gave Notice on the 15th of February that, on the earliest occasion, he should move a Resolution as to this particular appointment. On the 19th of February he wrote to Mr. Verey giving him clear and distinct warning of the complaint which he intended to make respecting his appointment, and intimating that he would move a Resolution on the subject. On the 22nd of February

he received from Mr. Verey a simple acknowledgment of the receipt of the letter. On the 10th of March the Question came before the House, so that the Government was fully warned as to the intended line of opposition to the appointment. He could not help saying that when the Vote came on a little more haste was made in the matter than was necessary. He objected to the Vote when it was brought on, and his hon. and learned Friend the Attorney General supported it, without answering his (Mr. Waddy's) objections; and the hon. and learned Gentleman's argument was that the party might prove a very good man. That was a rather weak kind of argument. Had the House gone to a vote on the question, he believed that he and those with whom he was acting would have rejected the Vote, for in numbers, at the time, they had a decided majority. There was no disposition to act in any hostile spirit; he (Mr. Waddy) had objected to the appointment solely on public grounds, and because it was considered to be a scandal in the Profession; and he was not misrepresenting the facts when he said he did not think there was a single Member in the House at that time who did not understand that when at the request of the Government he withdrew his Motion that they might withdraw the Vote it was for a purpose which had not been carried out. From that time what had happened? The appointment was distinctly challenged. It was disapproved. Yet, as he was informed, this gentleman had endeavoured to enter on the duties of this office—his right to which was being questioned in that House; and he found, by reference to *The Law List*, that he had not only entered himself as one of the Official Referees of the Supreme Court, but held himself out for private practice as a member of the South-East Circuit and East and West Kent Sessions. The objection he had stated to the appointment of this gentleman had not been answered, and he believed would not be answered, that evening. He did not say he was not a very amiable person and perhaps a clever young man; but what he said was this—he had been appointed to an office which required, among other things, great practical experience as well as knowledge of the law. He was called upon to exercise the office of a Judge in circumstances of great difficulty. Mat-

The Chancellor of the Exchequer

ters were referred to him on account of their complexity. He had to discharge the functions both of Judge and jury—having to judge both of law and fact, not only in London, but in all parts of the country wherever a local inquiry might be pending—as a private arbitrator, yet with official power. Cases were referred to him compulsorily, and those cases were to be decided not where the decisions would be open to public criticism, but in comparative privacy. Therefore, it was of the greatest possible importance—firstly, that he should have a thorough knowledge of the law; secondly, that he should have great practice in applying it; and, thirdly, it was desirable that the world should know that he had had such experience. Yet, this gentleman had not the slightest experience. He professed to be a member of the Home Circuit and the East and West Kent Sessions. Well, it so happened that the Chairmen of both Sessions were Members of that House, and neither of them rose to say that they knew anything of him. He altogether failed to collect what the Lord Chancellor called “the marked concurrent testimony in his favour.” He believed that some hon. Members of the House had been requested to say what they could on his behalf; but he must repeat the charge he had made before. He challenged the testimony of any hon. Member or of anybody else that this gentleman had ever practically been doing work to any extent in Westminster Hall. The country and the Profession wished to know why a gentleman so unknown in it had been selected for an office of the greatest difficulty and delicacy when there were plenty of other gentlemen ready to accept it; and he was informed that there were men of standing, Queen’s Counsel and others, who had applied for the position—men who had been devoting themselves to the kind of work which had to be performed. Nobody had ever suggested that the Lord Chancellor had simply conferred a personal favour, but it was a fact that the appointment was conferred by him upon the nomination of the same eminent Judge who previously, to the surprise of the Circuit, gave this gentleman a Revising Barristership. If certain letters which had been gathered with immense care were read, he should feel bound to answer the statements

made in them, especially with regard to the people who had written them. In conclusion, he would say that it was a very unpleasant task to have to descant upon an appointment of the kind; but, having done so, he felt it his duty to propose the reduction of the Vote.

Motion made, and Question proposed,

“That a sum, not exceeding £142,325, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1877, for such of the Salaries and Expenses of the Chancery Division of the High Court of Justice, of the Court of Appeal, and of the Supreme Court of Judicature, as are not charged on the Consolidated Fund.”—(*Mr. Waddy.*)

MR. RODWELL said, he need not bespeak the indulgence of the Committee while he made a statement on behalf of the gentleman whose name had been so freely brought forward and who could not be present to speak for himself. He rejoiced that the hon. and learned Member for Barnstaple (*Mr. Waddy*) had not used quite such strong language as he did on a former occasion, nor spoken in the same spirit. The question was one of considerable importance from two points of view—first, with regard to the qualifications and character of *Mr. Verey*; and, secondly, with regard to the circumstances under which the appointment was made, and also with respect to the power of the House to interfere with an appointment made on the responsibility of the Lord Chancellor. By the 83rd section of the Act the appointment was absolutely in the hands of the Lord Chancellor, and he, with the assistance of one of the Judges of the Supreme Court, had to judge of the qualifications of the persons nominated. Therefore, one of the questions involved was whether the Lord Chancellor had exercised his patronage discreetly. The question which the Committee had to consider was not whether the appointment of *Mr. Verey* was the best that could have been made—and for his own part he frankly admitted that there were other gentlemen whose appointment might have been more acceptable to the Profession and the public. It was whether the qualifications and antecedents of *Mr. Verey* were such as entitled him to hold the office, the responsibility of which had not been exaggerated. The hon. and learned Gentleman had talked

of Mr. Verey as a young man, so that the House might think he was a briefless barrister of 24 or 25 years of age, who had not had any practice at all. But Mr. Verey was really on the verge of 40, and during the whole of his life since he left Cambridge had been engaged in the law. He did not know what his hon. and learned Friend considered a proper age for an official appointment; but if the ages of all the four Referees were taken they would make a pretty good average, and the hon. and learned Member for the Denbigh Boroughs (Mr. Watkin Williams), who went the same circuit, and who of all men was the most competent judge, said that of all the four appointments he considered that of Mr. Verey the best. If the appointment were unjustifiable, there had been an abuse of patronage; but he should like to know on what evidence or statement of facts the Committee was to determine whether it was an improper appointment. The hon. and learned Member for Taunton (Sir Henry James) the other night used a figure of speech when he represented Mr. Verey as a gentleman who had never held a brief, and never but once appeared on the circuit. [Sir HENRY JAMES: Before getting this appointment.] Not having gone circuit himself recently, his acquaintance with Mr. Verey had been very slight; but he had made inquiries and had become master of the facts. The result was that he had been informed by gentlemen of standing—Queen's Counsel and leaders on the circuit—that Mr. Verey was a gentleman of considerable attainments, although he had not enjoyed the smiles of the attorneys. It did not follow that a man's practice was the only test of his ability, for it often happened that men who had the reputation of being good lawyers and clever men failed to win the smiles of fortune and the patronage of solicitors; and yet they might be and often were good arbitrators, for arbitrations were not usually taken by men who had good practice. And for this very substantial reason—that men in practice had not time to undertake such duties, and they were looked upon as the perquisites of men who, being competent, had not practice. Mr. Verey was a member of Trinity College, Cambridge, and took his degree there with honours, which, though not high, were sufficient to show that he had in-

dustrious habits early in life and that he did not go to the College as an idler. Afterwards—and what was of some importance as bearing on this debate—instead of going at once into a pleader's chambers he went for three years into the office of one of the most eminent firms of solicitors in the metropolis—Messrs. Crowder and Maynard—and so had early training as to the very class of cases with which he would have in future to deal. He then went through the ordinary curriculum of a student for the bar, and assisted a gentleman who was now one of the most eminent of the County Court Judges, in preparing a well-known volume of Chitty's Reports. From the age of 18 to that of 40 he had devoted himself industriously to the study of the law. True he had not made patrons of the other branch of the Profession; but it was not suggested that if he had he was not competent to have discharged any duties that might have been entrusted to him. Having been appealed to by Mr. Verey, he could not refrain from making this statement on his behalf. He trusted he had said enough to dispose of the question of want of qualification, and enough to induce the Committee to come to the conclusion that they ought not to interfere with the discretion of the Lord Chancellor, in whose hands the appointment lay. He had been long enough in the House to know that if this question went to a division, it would be decided by a Party vote, and that would not be a proper way to deal with a subject of this sort. If there had been any impropriety in the appointment, it should be challenged elsewhere. The tenure of office was in the hands of him who gave it, and who had justified the appointment by the letter read by the Chancellor of the Exchequer. Under the circumstances, the Committee would probably think that his hon. and learned Friend had discharged his duty in having called attention to this matter, which might have an effect on other appointments. It was somewhat invidious, however, to single out Mr. Verey for attack, when the hon. and learned Member for the Denbigh Boroughs had stated that Mr. Verey's appointment was the best. He could not see why his hon. and learned Friend should not have challenged the appointment of the four, instead of limiting his attack to one.

Mr. Rodwell

MR. SERJEANT SIMON said, he could not sympathize with the hon. and learned Gentleman who had just spoken, because if a man placed himself in a position to have his appointment challenged, he could have no good grounds of complaint if it were done. He denied that this was entirely an affair for the Lord Chancellor's discretion. The House of Commons was the place in which appointments which were public trusts should be judged. It was the function of the House of Commons to watch over the public purse, and to see that salaries were not paid to persons not qualified to discharge the duties of their position. His hon. and learned Friend had referred to this gentleman's University career. But every one knew that "Wooden Spoons" had obtained the highest position at the Bar, and so distinguished a man as Sir William Follett had gone through his University without taking honours at all. When his hon. and learned Friend talked of this gentleman having spent three years in a solicitor's office, he could not have used a more damaging argument, because then Mr. Verey must have got that very introduction for which so many able men sighed, and yet he had lived to the age of 40 and was utterly unknown on the circuit to which he belonged. He did not think that anything had been said in favour of Mr. Verey's qualifications which justified the appointment, although he was willing to admit that the Lord Chancellor had, in making it, done what he thought was right, and that he was appointing a proper person.

MR. FORSYTH confessed that if he had been in the House the other night, when this appointment was challenged and no explanation given, he would have voted with the hon. and learned Gentleman opposite (Mr. Waddy). But now he had made himself master of facts which he did not know then, and he felt bound to say there was great misapprehension on the matter, and he thought that the appointment was justified. The hon. and learned Member for Taunton (Sir Henry James) had stated that Mr. Verey had made only one appearance on the Home Circuit, and that the Lord Chief Baron had dispossessed a Revising Barrister for the purpose of putting in a favourite of his own. But the facts were that the gentleman who held the office of Revising Barrister was

advanced in years, a rich man, and had not attended the Courts for some time, and he had heard Baron Bramwell say that he advised the Lord Chief Baron not to appoint him again. The Lord Chief Baron did not know Mr. Verey at the time, and it was owing to the recommendation of one of the leaders of the circuit and other barristers that Mr. Verey was appointed. It would appear from what had been stated on the other side, as though the Lord Chancellor had appointed this gentleman solely upon the nomination of the Lord Chief Baron. This was not so. It was true that the Lord Chief Baron sent in a list of three names, including that of Mr. Verey; but the Lord Chancellor had additional reasons for appointing him in the strong recommendations of other persons. Mr. Verey had had some practice, though not a large practice. He was strongly recommended by those who knew him, and it was not right or fair to throw discredit upon the Lord Chancellor for making the appointment under these circumstances, or to fix upon Mr. Verey a stigma which he did not deserve.

SIR HENRY JACKSON thought the discussion more appropriate to a Bar mess than the House of Commons. He did not blame his hon. and learned Friend (Mr. Waddy) for taking exception to this appointment in the first instance, and for expressing the doubts existing among the Profession respecting it. But after the explanations given that evening the matter stood on a different footing. It now stood in this position—on the one hand, the hon. and learned Member for Barnstaple, who said he knew this gentleman neither by reputation nor by sight, assured the House that he was an unfit person to hold this place; and on the other, the Lord Chancellor, who was responsible to the law and the country for the appointment, had written to the Minister of State that, in his judgment, this gentleman was a most fit and proper person to hold the office. Many of the most distinguished holders of judicial office had been unable to satisfy the usual public test of fitness—the existence of a large practice—and yet had fully justified their appointments. That had been the case with one of the most distinguished Judges who now occupied the Bench; and after the discussion that evening he hoped the Committee would

accept the personal assurance of the Lord Chancellor that, in his judgment, this was a proper appointment. It was most undesirable that this should drift into a Party question, or that the Committee should be forced to a division.

SIR WALTER BARTTELOT quite agreed with the moderate view of the hon. and learned Gentleman who had just spoken, and remarked that the real question they were asked to decide was, whether the Lord Chancellor was a fit and proper person to dispense the patronage entrusted to him. Many hon. Gentlemen who were not members of the legal Profession had often been surprised at the bestowal of the patronage of the Government, and had thought that better Attorneys General and Solicitors General might have been found than the excessively dull men taken from both Parties who had sometimes inflicted their legal attainments upon the House. While that was the case, such appointments were never openly challenged in that House, the presumption being that, as the recognized authority was responsible for the appointments, the men were the best fitted in the public interest to fill those high posts. In the same way the Committee might rest content with the explanations afforded as to this appointment. Sometimes men's qualifications were not found out till they were tried; and they might wisely leave the responsibility to rest upon the Lord Chancellor, after his statement that this gentleman possessed the requisite qualifications. He was quite sure that the present Lord Chancellor and those who might succeed him would be warned by this discussion to scan most carefully the acquirements of persons to whom they gave appointments in future. It would be most unwise to divide the House upon the question.

MR. BUTT said, he was not quite satisfied with the grounds of the opposition to the appointment. He felt very strongly that the House of Commons departed from its proper functions, and weakened its true rights and privileges, by constituting itself a Court of Review upon official appointments made by the proper authority. He had no means of knowing Mr. Verey's qualifications; but he brought to the consideration of the subject Irish impartiality, and he objected to give his vote upon a question of the kind in accordance with the

opinions of any Circuit Bar or Circuit mess, or as the result of any statement here how many briefs this gentleman had held. It was impossible that the Committee could enter into discussions of that kind, and he warned them that, if they introduced the system of canvassing judicial appointments in that House, they would approach the fatal American principle of selecting Judges by the popular vote. No evidence had been given of anything discreditable in the character or conduct of the gentleman which would disqualify him for the office to which he had been appointed, and he could not therefore justify the attempt which had been made to constitute that House a Court of Appeal from the selection of the Lord Chancellor in the exercise of his patronage. He should support the Government if the Motion was pressed to a division, although he hoped it would not be proceeded with further.

MR. HOPWOOD disclaimed all Party feeling in the matter. The hon. and learned Member for Limerick seemed to recognize no right in the House of Commons to discuss such a matter as this; but he (Mr. Hopwood) contended it was the only tribunal that had the right to criticize such an appointment as the one under consideration. He could not help thinking there had been too frequent reference to the eminent character and position of the Lord Chancellor in order to influence the judgment of that House in the matter of this appointment. He felt he should be wanting in his duty if he did not protest against the judgment of any one man, however eminent, being brought forward to control their judgment and influence their reasoning. The Lord Chancellor, in his own letter, told them that before making the appointment in question he appealed to three Chief Judges to supply him with a list of eminent men. Two of them complied with the request, each supplying three names. From the list supplied by Lord Coleridge he selected two gentlemen, and took the gentleman whose name stood first on the list supplied by the Lord Chief Baron, and added that he found "marked concurrent testimony" in that gentleman's favour, but if that were so why did he not supply that concurrent testimony to Parliament? What was the meaning of the term? It amounted to this—according to the state-

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ment of the hon. and learned Member for Cambridgeshire (Mr. Rodwell), that "he had not a large practice." In other words, he had not yet proved his qualifications; while others eminently qualified for the office had been overlooked. He thought they were only doing their duty in challenging the appointment, and he could not help admiring the implied sarcasm of the hon. and gallant Baronet opposite (Sir Walter Barttelot), when he expressed a hope that it would be a warning for the future. He was sorry the hon. and learned Member for Coventry (Sir Henry Jackson) had dealt with the question as if it were a mere circuit squabble. What he felt was, that they ought to be moved by great public considerations to challenge such an appointment.

MR. GORST said, he was in hopes that the debate was about to terminate; but if it was to be continued, he trusted they would confine themselves to the real question before them. The question was not whether Mr. Verey was not well qualified for his office, but whether the appointment was to be made by the Lord Chancellor; and whether he, or the House of Commons, was to judge of his qualifications, or whether the appointment was to be made by the hon. and learned Member for Barnstaple and a few other of his hon. and learned Friends. Upon that point he entirely agreed with the hon. and learned Member for Limerick. He altogether disapproved of the sort of professional jealousy which had been exhibited to-night by certain hon. and learned Members. The hon. and learned Gentleman who had just sat down said the Lord Chancellor should have placed before the House the confirmatory evidence of which he spoke in his letter, but it must be clear to the House that such a course as that would be inconsistent with the high dignity of his Lordship's office, and would form a dangerous and pernicious precedent. If it could be shown that the appointment was an improper one, and that the gentleman was disqualified for the post, it would be a fair ground for the interference of the House; but as it was a question of confidence or non-confidence in the Lord Chancellor, he should support the Vote.

MR. HERSCHELL deprecated the idea that the criticism of Mr. Verey's appointment was actuated by professional

jealousy. No hon. Member, he believed, was influenced by such a motive. He certainly could not be, for he had never seen the gentleman in question, nor had he ever heard of him. Beyond that, he would not change positions with the gentleman appointed if he had the chance. He felt the force of what had been stated by the hon. and learned Member for Limerick, that the House of Commons ought not to constitute itself a Court of Appeal in the case of legal appointments. He, for one, had no desire to Americanize our institutions, or to render appointments made to judicial offices subjects of popular control. It would, however, in his opinion, be dangerous to press that principle too far. That which was most important in the making of an appointment like the present was to keep in view the getting not only of a good man, but of the best man—not only of a fit man, but of the fittest man; and the House of Commons would abnegate one of its functions if when criticism was considered necessary criticism was withheld. It was by discussion in that House that they could best keep those to whom was entrusted official patronage alive to a sense of their responsibility. Every hon. Member of the House who was a professional man, and many lay Members, knew that from time to time men were appointed County Court Judges who not only had no reputation as lawyers, but, worse still, had the reputation of being no lawyers. That had gone on, and it might go on still, unless they stated distinctly what was the true principle on which judicial patronage should be exercised. So long as a feeling of friendship or regard, or a desire to put a particular man forward entered into the matter, instead of the sole object being to secure the best and fittest man, they should not cease to see scandals arising and to hear them commented upon. He quite admitted that of the question of fitness they had not the means of judging, and as far as he was personally concerned he knew nothing of the qualifications of Mr. Verey for the office to which he was appointed; but the question was, whether in the present appointment the proper principles had been kept in view. When he was told that it was a matter of Circuit jealousy and gossip, he appealed to the right hon. Gentleman the Home Secretary to say whether when Westmin-

ster Hall raised a universal voice against an appointment it did not afford evidence that it was a bad one? It might be that a man was barely fit for a particular office, but the question was whether he had shown himself to be the fittest man for it? The character, reputation, and fortune of persons depended on the proper discharge of the duties of such an office, and it could not be said that this appointment had been improperly brought before the House and canvassed. He did not rest his objection in the present case upon the point as to want of practice. He was conscious that some of the fittest men in Westminster Hall were men with little or no practice, but then their professional fitness was known—if not to clients, to their brethren at the Bar, who took care to have them appointed to conduct arbitrations; in fact, to discharge the same kind of business as would devolve on this gentleman. Neither did he desire at all to reflect upon the noble and learned Lord who had made the appointment, or upon those who had recommended or suggested it; but he regretted that the Lord Chancellor had not seen his way to saying that he had made it on his own responsibility, without going into explanations. He hoped the result of the discussion would be the selection of the best men for similar appointments in future, and though he admitted the power of the House to take up questions of the kind, he thought it should be very sparingly used. On the whole, he hoped that his hon. and learned Friend the Member for Barnstaple would not think it necessary to divide the Committee on the Motion which he had brought forward, but would be content with the discussion that had ensued. Unless he could succeed in carrying a majority with him, the appointment must stand, and Mr. Verey would enter upon the discharge of his duties with an imputation of unfitness for his position resting upon him. This was to be deprecated on many grounds, and he therefore hoped it would not be thought necessary to proceed on the present occasion beyond a simple discussion of the question involved. Feeling as he did, however, if his hon. and learned Friend pressed the matter, he should have no alternative but to divide with him.

MR. GRANTHAM repudiated in the most emphatic manner that if the Com-

mittee went to a division, it would be a Party decision, especially as it had been stated that many of the supporters of the Government were opposed to this appointment. He hoped that the hon. and learned Member for Barnstaple (Mr. Waddy) would have the courage of his opinions, and not be afraid of dividing the House upon the question, if he thought his view was a right one. Not a single reason against the appointment had been brought forward. The hon. and learned Member for Durham had delivered a very interesting speech on the general question of the principle on which judicial appointments ought to be made, but he seemed to ignore the fact that if on every occasion those men only had been chosen who enjoyed the most extensive practice at the Bar, some of the best men who had ever sat on the Judicial Bench would have been lost to the highest grades in the legal Profession. Had not the appointments of the best Judges of the land been canvassed, and had not their subsequent careers falsified the impressions created at the time of their unfitness? One of the most eminent of our Judges, whose name would go down to posterity as one of the most distinguished, and as the Littleton of our day had been appointed by the then Lord Chancellor, although he was little known in the Profession, and there was then raised a similar outcry. The House undoubtedly had the power to question all such appointments, but what were its means of forming a correct judgment as to the capabilities and fitness of any particular person. A great deal too much stress had been laid upon the question of men having large practice on the Circuits before their appointment to the exercise of judicial functions. It was true that some of the Circuits, such as the Northern and the Midland, were the best of possible legal schools, but the rule was by no means universal. Many members of the Home Circuit found in Chambers and in private practice that experience and judicial calmness which fitted them for such offices, whereas on Circuit their names were unknown because there was so little work to be done. The question of Mr. Verey's appointment must be discussed and decided on higher grounds than the mere opinions of individual members of the legal Profession or of the public, and it was idle to say because Mr. Verey was unknown on

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Circuit that he could not be a man of professional competence. He admitted that the majority of the Profession thought there were many other gentlemen more competent for the post; but it was the judgment of the Lord Chancellor upon which the Committee had to act, and as a Member of that House, he thought he had no right to set up his own particular view as a member of the Bar in opposition to that of the Lord Chancellor. It had been stated that the appointment had been made by the Lord Chief Baron, but it was afterwards ratified by the Lord Chancellor. The Lord Chancellor had, in his letter which had been read to the House, explained the grounds upon which he had appointed Mr. Verey to the office of Official Referee, that his name had stood first on the list of the Lord Chief Baron; that, although he was not known to him personally, he had, in addition to the strong opinion of the Lord Chief Baron, very marked and concurrent testimony in Mr. Verey's favour, and that he believed him to be perfectly qualified for the office. The hon. and learned Member for Stockport had contended for the right of that House to criticize the acts of the Lord Chancellor; but, in his (Mr. Grantham's) opinion, as it was unlikely that gentlemen in the Profession would ever agree as to the proper persons to be appointed to vacant legal offices, it was better to leave the power of appointment unreservedly in the hands of the highest legal authority in the country. One thing was quite clear, and that was that no hon. Member who had spoken knew anything against Mr. Verey, and they could give no reason for believing that he was not properly qualified for the post. For his own part he should decline to come down to that House and vote against the appointment merely because he thought he knew of other gentlemen who might be better fitted for the position. He preferred the responsibility of the highest legal authority to any other, and should, therefore, vote against the Motion.

MR. OSBORNE MORGAN claimed to come to the subject with an unprejudiced mind, because until he knew of this appointment he had never heard Mr. Verey's name. The hon. and learned Member for Cambridgeshire (Mr. Rodwell) had justified that gentleman's appointment on three grounds—firstly, that he had

taken a degree at Cambridge; secondly, that he was 40 years old; and, thirdly, that he had never had a large practice. Now, he was far from insisting upon a large practice as a necessary qualification for the post. Men of small practice had been promoted to high office before, but they had always been men of great reputation; but, still, it was rather a dangerous thing to select even a good man if he had not had much practice, because that was invaluable to him in the discharge of his judicial duties, and also because the public, as a general rule, did not trust untried men. The House of Commons had the undoubted right to criticize these appointments; and if his hon. and learned Friend went to a division, though he deprecated that course of action, he should support him. He thought, however, hon. Members would be satisfied with the discussion that had occurred in reference to this unfortunate appointment.

MR. NEVILLE-GRENVILLE said, that the legal Gentlemen who had spoken placed the laymen in a most pitiable position. They had alleged that these four gentlemen, in general, were not fit for their post, and one in particular, but the hon. and learned Member for Durham (Mr. Herschell) had told the House that this was usually the case. [Mr. HERSCHELL begged the hon. Member's pardon. He had not said it was usually the case.] The hon. and learned Gentleman had said it was done over and over again—that faults had been found with appointments in the legal Profession. It was with great grief that he (Mr. Neville-Grenville) heard these statements on the part of the hon. and learned Gentleman; but, for his part, he had perfect confidence in the Lord Chancellor who, he trusted, would make a proper selection of gentlemen to fill vacant legal offices.

SIR HENRY JAMES said, that when the matter was before the Committee in March last he had spoken rather strongly in reference to it, and he had then stated certain facts which had been brought under his notice by certain members of his Profession. The right hon. Gentleman the Chancellor of the Exchequer had then asked for time to inquire into the matter, and the Committee had cheerfully acceded to that request, and the result of that inquiry had been stated to

the Committee that evening. It would be for the Committee to say how far the statement he had made had been altered by the results of that inquiry. The hon. and learned Member for Chatham (Mr. Gorst) had insisted upon regarding the Motion in the light of a Vote of Want of Confidence in the Lord Chancellor. He could assure the hon. and learned Gentleman that if he looked upon the Motion in that light, he should be the first to vote against it. The Lord Chancellor, however, had stated the grounds and the information upon which he had acted, and it was open to the Committee to form an opinion for themselves upon the materials so furnished to them. He was sorry to hear the hon. and learned Member for Chatham say that it was a question of professional jealousy.

MR. GORST disclaimed any such statement. What he had said was that there had been an exhibition of professional jealousy in that House.

SIR HENRY JAMES appealed to every Member of the House whether it could be supposed that those who had spoken in what they believed to be the performance of their public duty could have had any jealousy towards such a comparatively young and unknown member of the Profession as Mr. Verey was. He believed the appointment had proceeded upon the grounds of private testimonials. He had had them sent to him since the discussion arose, and found that they were very much in Mr. Verey's favour. Persons in whose judgment he could place confidence had spoken highly of Mr. Verey's attainments and general ability, and if the House was willing to put appointments to judicial offices upon private testimonials there was a strong case made out in Mr. Verey's favour. Was the Committee willing, when appointments to judicial offices the performance of the duties of which would affect property to the extreme extent, to justify such appointments upon the ground of private testimonials? If so, there was an end of the matter. The Lord Chancellor acted upon private testimonials in concurrence with the Lord Chief Baron's recommendation, and the Lord Chief Baron's recommendation was based upon the private recommendation of others. He (Sir Henry James) stated in the last debate that Mr. Verey had never held a brief or actively followed his Profession, and these facts were not denied by the

hon. and learned Attorney General at the time. It had been substantially admitted in the progress of this debate that he had not had any practice at the Bar, and therefore the appointment must have been made on the private judgment of personal friends who had not met him at the arena of their Courts but in private conversation. He was willing to admit that it was a difficult thing to question the power and the discretion vested in the head of the legal Profession; but, looking at the practice in these cases, he thought such appointments should not depend upon private testimonials, but upon a well-known and high reputation and a large practice at the Bar. Mr. Verey was written to by a member of the Bar, who stated in his letter what was currently reported concerning him—that he had received an appointment as a Revising Barrister after he had only gone circuit once or twice, and that he was not known to have ever held a brief. To that letter Mr. Verey made no reply; he would not say because he could not represent the facts differently; but if he had refused to hold any communication with the writer of such a letter, he thought he was well justified in so doing. The truth was, however, that they ought not to criticize too minutely whether this gentleman had held a number of briefs or not; what the Committee had to determine was whether it was wise to make these appointments on the strength of private testimonials. The Committee had to determine how far they would like that rule to apply to other Professions. If our Fleets had to be commanded, would they give the command of them to a mere student in navigation, however clever, or would they give the command of our Army to a man on account of the testimonials he produced? Certainly not. If they did not apply that rule to other Professions, was there any reason why they should apply it to the legal Profession? It was said the objectors to this appointment had not proved that Mr. Verey was unfit. How could they prove that he was unfit? Was it any answer to the objection to this appointment to say—"We appointed Mr. Verey as no proof of his unfitness was given; we thought we were justified in appointing any person who was not proved to be unfit?" What they asked for was that they might have some security that the

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judgment given by these Referees should be right judgments. It had been said that a member of the Bar had been appointed Judge who might be said to have had no practice at the Bar, and that upon the Bench he displayed great ability. That remark referred to that distinguished Judge Mr. Justice Blackburn. But it was a mistake to suppose that he had no practice at the Bar. The Lord Chancellor, who appointed him, had constant experience of his great ability. For years he was counsel to Lloyd's, and for years he was reporter of the Queen's Bench and had had an immense experience. In short, there was no comparison between his case and the one before the Committee. The Lord Chancellor knew that in making him a Judge he was appointing one of the greatest lawyers in Westminster Hall. He (Sir Henry James) hoped the Committee had discussed this question with feelings of consideration towards the gentleman who had received this appointment. The Lord Chancellor had, without doubt, exercised his discretion, and the Committee might consider whether they should not rely on the hope that Mr. Verey might prove fit for this appointment. He could only ask his hon. and learned Friend to consider whether, after what had occurred after the utterance of those words—"This is to be a warning in future against such an appointment," it would not be better to refrain from pressing for a division. If, however, the hon. and learned Member for Barnstaple's Motion were pressed to a division, as he hoped it would not be, he should feel bound to vote for it.

THE ATTORNEY GENERAL said, the hon. and learned Member for Barnstaple (Mr. Waddy) had told them that when that matter came before the Committee some time ago, a very feeble defence was made on behalf of Mr. Verey. But then the allegations made by that hon. and learned Member, and also by the hon. and learned Member for Taunton (Sir Henry James), were such as took those who sat on the Ministerial bench very much by surprise, because they then heard for the first time that that appointment was an act of the grossest nepotism, and one which was practically made by the Lord Chief Baron through feelings of favouritism alone. It was also alleged that the Lord Chief Baron had such friendship for Mr. Verey that

on a previous occasion he removed a gentleman who had held the post of Revising Barrister for a long time, and who deserved to hold it still, for the purpose of substituting Mr. Verey. It had been said, if not in that House, at least outside of it, that the Lord Chief Baron had been actuated by even more unworthy motives—that he had favoured Mr. Verey because that gentleman's father had been his friend and political agent. Now, was it the fact that the Lord Chief Baron did remove from the office of Revising Barrister a gentleman who had long held it for the purpose of bestowing it on Mr. Verey? The hon. and learned Member for Marylebone (Mr. Forsyth) had commented on that matter; but he (the Attorney General) felt himself at liberty to read a letter which the Lord Chief Baron received from a brother Judge, more intimately acquainted with the particular Revising Barrister in question, and also with the particular Circuit concerned, than the Lord Chief Baron was, before he ventured to remove that gentleman from the post of Revising Barrister. Before the fresh appointment was made, the Lord Chief Baron received that letter from a learned Gentleman who, before he was elevated to the Bench, was the leader, or one of the leaders, of that Circuit. The letter in question was to the effect that the gentleman referred to ought never to have been appointed, as he had never been a member of the Circuit; that he ought to have given up the appointment, as he was a rich man and did not want it; that he had been twice asked to give it up, but had declined to do so, though he had no good reason for keeping it; and that it was not desirable that he should be continued in it. In fact, it concluded by saying that a good deed would be done by refusing him the re-appointment. Yet the Lord Chief Baron had been accused of the grossest nepotism, because after receiving such a letter he had refused to continue that gentleman in his office as Revising Barrister, and had bestowed it on Mr. Verey, who was highly recommended for it. But the question now before the Committee was whether that appointment was a proper one. Now, whether it was a proper appointment or not depended not on whether Mr. Verey had had this or that amount of practice, but on whether he was a fit

man for the post; whether he had the requisite qualification. They had had an interesting lecture from the hon. and learned Member for Durham (Mr. Herschell) on the principle of appointment to all the judicial offices in the State. The hon. and learned Gentleman said they must act on a particular principle—namely, that they were not to bestow an appointment of that character on a man unless he had had a very large practice—[“No”]—or, at all events, a considerable practice, obtained either from attorneys who, of course, gave briefs to those members of the Bar of whom they approved, or from their fellow-barristers who approved of them as arbitrators. It was not every man who, however able, succeeded in eliciting the friendship or patronage of attorneys, or in obtaining the patronage of his fellows at the Bar. There were many men who had not obtained practice either from attorneys or from barristers who were yet admirably fitted for such a post as that in question. It was said that when he spoke on this subject before he had no information on the subject. He had, however, received a letter from one of the most eminent firms of solicitors in the metropolis, and its statements had been confirmed by others to whom he had spoken. It was from Messrs. Clabon and Fearon. They said—

“My Dear Attorney General,—We venture in reference to the threatened attack on Mr. H. W. Verey as Official Referee to make the following statement. We write as an act of justice to Mr. Verey, and without his knowledge. We have known Mr. Verey throughout his professional career. He graduated at Trinity College, Cambridge, in Honours. He was articled to Messrs. Crowder and Maynard for three years, and served with them for that period, securing much of their practice. You are aware that they stand in the first class of City solicitors. He afterwards went to the Bar, and we have constantly had the benefit of his services, and have found him to do his work with great ability. He is able and energetic, as well as quiet and clear-minded.”

Perhaps being quiet and clear-minded was the reason he had not had a large practice at the Bar.

“It is impossible to meet him without being impressed with his cleverness and good sense.”

That letter came from an eminent firm of solicitors who had constantly employed Mr. Verey, perhaps not in Court work,

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but in work which sufficiently tested his ability and proved how fit he was for the office he now held. Since the receipt of that letter he (the Attorney General) had satisfied himself not only that what had been said of the Chief Baron was without foundation, but that no well-founded objection could be urged against the appointment which the Chief Baron had recommended. The Committee ought to have confidence in the opinion of the Lord Chief Baron, especially when coupled with the judgment of the Lord Chancellor, who took upon himself the responsibility of the appointment.

Mr. WADDY, in replying, said, that nobody had ventured to take up the challenge which he had thrown out at the beginning of the debate. It was a sign of weakness, and an attempt to draw them from the real issue, to allege that the Lord Chancellor was on his trial. Such was not the case, for that noble and learned Lord was unassailable. It appeared that the Lord Chief Baron appointed this gentleman a Revising Barrister when he knew nothing at all about him; and all the House knew now was that some gentleman or some lady had recommended this person to the Lord Chief Baron, and on that recommendation this appointment was given. It was said that some one on Mr. Verey's circuit, whose name was not given, had recommended him; but he had the authority of the leaders of that circuit, gentlemen of both sides of politics, and of the junior Bar, to say that until Mr. Verey was appointed he was unknown to them, except socially to one or two. Under the circumstances, as the hon. and learned Member for Chatham had said there had been an exhibition of professional jealousy on the part of those who brought forward this Motion, it would be impossible for him to withdraw it.

THE CHANCELLOR OF THE EXCHEQUER said, he would not say anything more with regard to Mr. Verey, but he felt it necessary after the statement which had just been made to explain correctly the action of the Lord Chancellor. Having three appointments to make, the Lord Chancellor wrote to the Chiefs of the Common Law Courts requesting each of them to send him a list of three names. The Lord Chief Justice sent no names, but Lord Coleridge and the Lord Chief

Barons sent three names each. Accordingly, the Lord Chancellor selected two names from Lord Coleridge's list and one from that of the Lord Chief Baron. The Lord Chancellor stated in his letter that he appointed Mr. Verey, not merely on the recommendation of the Lord Chief Baron, but in consequence of inquiries which he himself instituted, and which satisfied him that the appointment was a proper one.

Question put, and *negatived*.

MR. GREGORY asked for information respecting the fees which, under a Treasury Minute of the 1st of February, 1876, were payable by the suitors to the Referees. They amounted to a guinea an hour for attendance, irrespective of travelling expenses, a payment which he took exception to, and thought ought not to come out of the suitor's pocket. The Act expressly provided for the payment of the Referees by salary, and never contemplated such a tax as it was here proposed to throw upon the parties.

THE ATTORNEY GENERAL understood that the Referees would be paid by salaries, but that the suitors would have to pay something analogous to a Court fee. During the time a Referee sat, a guinea an hour would be payable, which, however, would go, not to the Referee, but to the Consolidated Fund. As attention had been called to the matter, it should be looked to, with the view of remedying anything that might be unjust.

MR. RAMSAY, with reference to the Commissioners in Lunacy, asked what was the amount of charges for, and the number of visits paid to lunatics; and, whether the charges were or were not paid out of the estates of the unfortunate victims?

MR. W. H. SMITH undertook to supply the information, if possible, on the Report of Supply on Monday.

Original Question put, and *agreed to*.

Resolution to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

MERCHANT SHIPPING BILL.—[BILL 144.]
(*Sir Charles Adderley, Mr. Edward Stanhope.*)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Sir Charles Adderley.*)

MR. CHILDERS said, that before the Bill was read a third time it would be well if some Member of the Government would state whether there was any foundation for the suggestion which recently was made by the leading journal—namely, that since the passing of the Dominion Act ships registered in Canada were no longer "British" ship, but only "Colonial" ships, and could not be dealt with by Imperial legislation. He was under the impression that the Dominion Act made no difference in the relations between this country and the North American Provinces, to which responsible government had been given many years before, but only regulated the new relations *inter se*. A "British ship" was the creation of the British Parliament, and whatever might be the powers respecting them of colonial Parliaments while those ships were in colonial waters, he conceived that nothing had been done by implication to repeal the Act of 1854, which regulated the registry of, and property in British ships. The port of registry was immaterial, as registry might be transferred from one to another British dominion at any time.

SIR CHARLES ADDERLEY said, it was extraordinary that any one pretending to criticize this Bill should suppose that the Dominion Act of 1867 excluded Canada from the operation of Imperial Acts or made Canadian ships any other than British ships. The Act of 1867 had two Schedules of subjects of legislation. The first enumerated the subjects with which the Dominion Parliament might deal exclusively of the provincial Legislatures; while the second enumerated the subjects with which the provincial Legislatures might deal, exclusively of the Dominion Parliament. But neither excluded Imperial legislation. The Queen in Council could allow Colonial Acts to repeal Imperial, but Colonial laws inconsistent with Imperial were invalid. These were questions of policies, not of legislation right. Imperial

Acts bound Canadian subjects as much as all other British subjects. It was a total mistake to suppose that the Act of 1867 or 1869 in any way altered the relation of Canadian subjects to the Imperial Parliament. A Canadian ship was a British ship registered in Canada, and there was no distinction between the British character of both. He was very glad his right hon. Friend the Member for Pontefract (Mr. Childers) had drawn attention to the mistake that had been made in the criticism to which he had referred. The Bill which the House was now asked to read a third time had distinctly and rightly borne in view the existing state of the law and the relations between Canadian and all other British subjects.

MR. WILSON hoped that when the Bill got into the House of Lords, provision would be made for allowing ships trading from British ports to the Baltic to carry deck-loads of agricultural machinery during the summer months—say from April to October.

LORD ESLINGTON defended the provision of the Bill referred to as it stood.

MR. MACGREGOR thought the case of Canada had been amply considered, and thanked the Government for a good, sound, common-sense measure, which he hoped would pass unanimously.

MR. T. E. SMITH also thanked the Government for the measure, and said that on the whole the Government had succeeded in holding the balance between conflicting interests very fairly. The Government had also succeeded in carrying through the House a measure which would be a great benefit to the shipping interest and to those who wished to carry on their business in an honest, legitimate, safe, and secure manner; and at the same time it would afford to the sailors all the protection which both the House and the public required for them, and which they had a right to expect.

MR. SHAW LEFEVRE also offered his congratulations to the right hon. Gentleman at the conclusion of his labours. The Bill as it stood carried out the principle of the responsibility of the shipowners as far as it was practicable to do so. He hoped it would be effective in preventing the evils hitherto complained of in regard to unseaworthy vessels. It must not, however, be expected that all losses at sea would

be put an end to. By far the greatest number of losses arose from causes on which neither this Bill nor any other that could be devised would have any effect, from perils of the sea and from the negligence of officers and seamen navigating them. He was not so completely wedded to the principle of this Bill that if it failed to produce a good result, he would not be prepared to go further in the direction aimed at by the hon. Member for Derby; but he, at least, hoped that a fair trial would be given to the measure, and that for a time agitation on the subject would cease. The shipping trade had now for some years been the subject of this agitation, and it was only fair that it should now be left at rest for a time, and that every effort should be made fairly to put the Bill in operation. He believed that if fairly worked, the Bill would prevent the sailing of vessels in an unseaworthy state. He must enter his protest against that part of the Bill which extended the powers of the Board of Trade to foreign vessels, he considered that a dangerous precedent was made thereby. The clause which imposed a penalty on vessels entering our ports and which had loaded according to the laws of their own country appeared to him indefensible, and was equally opposed to International Law and to our treaty engagements. He hoped that the great lawyers in the Upper House would direct their attention to this point. He took this opportunity of saying that he had on this account mainly voted with the Government, and against the Party with whom he acted upon the last Amendment on Report—namely, that which omitted the exception in favour of three feet of deals and battens from the prohibition against deck cargoes. He agreed in principle with what had been said by his right hon. Friend the Member for Pontefract as to the right of our Legislature to legislate for Canadian vessels; but he considered it was very inexpedient to bring our legislation into conflict with the Canadian legislation. He also recollected that the timber trade was mainly carried on by foreign and Canadian vessels; in attempting, therefore, to impose regulations upon them, it was expedient to be very careful, however desirable it might appear to make such regulations as regards our own vessels, he thought it was unwise to do so as against foreign and

colonial ships without the consent of their Governments. He could not but fear that what we had done would bring us into difficulty both with foreign Governments and with the Canadian Legislature. He hoped, therefore, that this question would be reviewed in the Upper House, and would be discussed with reference to the important international points which it raised.

THE CHANCELLOR OF THE EXCHEQUER said, his right hon. Friend the President of the Board of Trade was prevented from speaking again, and perhaps it was fortunate for him that he had been spared his blushes. He (the Chancellor of the Exchequer) therefore begged in the name of his right hon. Friend and the Government, to say how sensible they were of the kindness expressed on the occasion, and of the general kindness with which the Bill had been treated during the long and often animated discussions in Committee. He was sure his right hon. Friend would have reason to congratulate himself in having steered the Bill at last to this point. All he could say was that the Government had done their best honestly to make the Bill a good one, and, if they had been ready to accept suggestions from other quarters, it should be borne in mind that they had done so on their own responsibility; and the responsibility for the measure as it was now about to pass rested with the Government. They hoped there would be a general disposition to give a fair trial to the measure, and to the Board of Trade in working it; and he could assure the House that there would be no want of honesty and zeal in endeavouring to give effect to the Bill in accordance with the views of those who had passed it.

Question put, and *agreed to*.

Bill read the third time; Verbal Amendment made:—Bill *passed*.

CLERK OF THE PEACE AND OF THE CROWN (IRELAND) BILL.—[BILL 119.]
(*Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach.*)

SECOND READING.

Order for Second Reading read.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET), in moving that the Bill be now read the second

time, said, it was proposed, in accordance with the recommendations of different Select Committees who had considered the subject, that the two offices of the Clerk of the Peace and of the Crown should be amalgamated. Accordingly the main provision of the Bill was that upon either of the two offices becoming vacant, the Lord Lieutenant should have power to order the amalgamation of the two offices. If the House would read the Bill a second time he should, in due time propose to commit it *pro forma*, in order to introduce certain Amendments which might be found necessary. The hon. and learned Gentleman concluded by moving the second reading.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Solicitor General for Ireland.*)

SIR COLMAN O'LOGHLEN, in moving, as an Amendment, that the Bill be read a second time that day six months, said that although he assented to the general principle of amalgamating the two offices, he objected that the officer to be appointed to the joint post would be practically a mere Clerk of the Treasury. Unless that and other objectionable provisions were omitted, he should oppose the measure in all its future stages. He would conclude by moving its rejection.

Mr. LAW seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Sir Colman O'Loghlen.*)

Question proposed, "That the word 'now' stand part of the Question."

Mr. MELDON, in moving the adjournment of the debate, said, he was of opinion that the Bill ought not to be proceeded with at present, and that the hon. and learned Gentleman the Solicitor General for Ireland had "put the cart before the horse." There was another Bill which ought to come first.

Mr. BIGGAR seconded the Motion.

Motion made and Question proposed, "That the Debate be now adjourned."—(*Mr. Meldon.*)

SIR MICHAEL HICKS-BEACH, in assenting to the Motion for Adjournment, said there was no desire to press the Bill at a late hour against the feeling of the House. He must however remark that the measure was an honest attempt to save money to the ratepayers of Ireland by abolishing a useless office.

Question, "That the Debate be now adjourned," put, and *agreed to*.

Debate *adjourned* till *Monday*, 12th June.

BURGHES (DIVISION INTO WARDS)
(SCOTLAND) AMENDMENT BILL.

(*The Lord Advocate, Mr. Secretary Cross.*)

[BILL 166.] SECOND READING.

Order for Second Reading read.

THE LORD ADVOCATE, in moving, that the Bill be now read a second time, said: By 31 and 32 Vic., cap. 108, and cap. 102, it is lawful to divide burghs in Scotland having a population of 10,000 into wards for voting purposes. It has been for some time represented by the burgh of Wick that the limit of 10,000 is too high, and that it should be reduced to 7,000. I have caused inquiry to be made in all the Scotch burghs having a population above 7,000 and under 10,000, and the replies have been generally in favour of the change proposed by the burgh of Wick. The Acts above mentioned were passed in 1868, the year in which the franchise was lowered, and before the effect on the numbers of the constituency could be ascertained. The increase has now proved to be so considerable as, apart from other considerations, to render it expedient that separate voting places should be established within each burgh. Irrespective of the mere question of convenience of voting, it frequently happens that even in small burghs there exist different districts the owners and occupiers in which have somewhat conflicting interests to those in other districts, and the most effectual way of protecting the interests of all sections is by making it competent to divide the burgh into two or more wards. The right hon. and learned Gentleman concluded by moving the second reading.

Motion *agreed to*.

Bill read a second time, and *committed* for *Thursday*, 8th June.

LOCAL LIGHT DUES (REDUCTION) BILL.

On Motion of Mr. SYKES, Bill to authorise the reduction of Local Light Dues, *ordered* to be brought in by Mr. SYKES, Mr. NORWOOD, and Mr. WILSON.

Bill *presented*, and read the first time. [Bill 173.]

GUN LICENCE ACT (1870) AMENDMENT
BILL.

On Motion of Sir ALEXANDER GORDON, Bill to amend "The Gun Licence Act, 1870," *ordered* to be brought in by Sir ALEXANDER GORDON, Mr. M'LAGAN, and Mr. MARK STEWART.

Bill *presented*, and read the first time. [Bill 174.]

House adjourned at a quarter after
One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, 29th May, 1876.

MINUTES.]—*Sat First in Parliament*—The Earl of Huntingdon, after the death of his Father.

PUBLIC BILLS—*First Reading*—Merchant Shipping* (99); Consolidated Fund (£11,000,000)*; Customs and Inland Revenue*.

Second Reading—Treasury Solicitor* (76).

Select Committee—Union of Benefices* (64), *nominated*.

Committee—Gas and Water Orders Confirmation (Chapel-en-le-Frith, &c.)* (59).

Committee—Report—Trade Union Act (1871) Amendment* (73-98).

Third Reading—Inns of Court* (47); General School of Law* (48); Local Government Provisional Orders, Briton Ferry, &c. (No. 4)* (87); Local Government Provisional Order, Skelmersdale (No. 5)* (88), and *passed*.

PRIVATE BILLS.

Ordered, That Standing Orders Nos. 91 and 92 be suspended; and that the time for depositing petitions praying to be heard against Private Bills, which would otherwise expire during the adjournment of the House at Whitsuntide, be extended to the first day on which the House shall sit after the recess.

CRUELTY TO ANIMALS BILL.—VIVI-
SECTION.

VISCOUNT CARDWELL said, it would be convenient if the Government stated what course they proposed to take with the Cruelty to Animals Bill, which stood for Committee that evening.

THE DUKE OF RICHMOND AND GORDON said, that he did not intend

to ask their Lordships to proceed with the Bill that evening. Within the last few days he had received several communications of an important character in relation to the measure, and had seen several persons who took a great interest in the subject. He had not as yet been able to come to anything like a conclusion on some of the suggestions which had been made to him. Consequently, if their Lordships went into Committee that evening, they would necessarily deal with the Bill in an unsatisfactory and perfunctory manner. Under these circumstances, he thought the best course would be to postpone the Committee until after Whitsuntide, and in the meantime the Government would have an opportunity of considering the bearing of those representations that had been made to them.

Committee on said Bill accordingly *put off sine die*.

CRIMINAL LAW—THROWING STONES AT RAILWAY TRAINS.—QUESTION.

EARL DE LA WARR asked, Whether the attention of Her Majesty's Government had been directed to the report of a case in the Salford Borough Police Court, which case was heard on Thursday, May 18? The case was that of a boy who was convicted of having thrown a stone at a railway train. The station-master, in his evidence, stated that the company to which the train belonged had received continual complaints that stones were thrown at the trains, that the carriage windows had frequently been broken, and passengers injured in some cases as a result of those acts. Officials, he added, had been specially engaged to apprehend the boys, but had not succeeded in capturing any offender until the present case. The detective superintendent stated that the mischievous practice of throwing stones at railway trains had become very common, and that on the London and North Western and the Lancashire and Yorkshire lines injuries to passengers had resulted. Having heard that evidence, the magistrate inflicted a penalty of half-a-crown, which he thought their Lordships would regard as very inadequate to the offence. If this sentence were to remain unnoticed he feared there would be no protection against a repetition of the offence, which might be attended with serious—perhaps

fatal—consequences. He trusted Her Majesty's Government would not allow the inadequacy of the penalty to pass unnoticed.

Moved, for Copy of evidence given before the Court.—(*The Earl De La Warr.*)

EARL BEAUCHAMP said, he was sorry he was not able to give a copy of the evidence taken before the magistrate—nor indeed to give his noble Friend any further information than that of which he appeared to be in possession. No doubt the practice of throwing stones at railway trains was attended not only with annoyance, but also with danger. When, however, it was stated that stones were frequently thrown at railway trains it did not follow that the offence had been frequently committed by the boy convicted before the borough magistrate at Salford, and it would have been a hardship to inflict a penalty on that boy for offences committed by others, and out of all proportion to the particulars of his own case. As a rule the magistrates who administered local justice had before them circumstances which influenced them in deciding penalties, but which might not be stated in newspaper reports. Half-a-crown was a small sum, but a fine did not always adequately represent the amount of the punishment, because even such a penalty, in addition to costs, might have been a considerable amount to the parents of the boy. Of course, he could not say that it was; and, now that he knew the point to which his noble Friend wished to direct attention, he would cause inquiries to be made. Should his noble Friend not be satisfied with the result of those inquiries, he might move in the matter again.

Motion, by leave of the House, *withdrawn*.

AGRICULTURAL HOLDINGS (ENGLAND) ACT.

MOTION FOR A RETURN.

THE EARL OF CAMPERDOWN said, their Lordships would remember that on Friday evening a noble Earl opposite (Earl De La Warr), moved for a Return of landowners of 500 acres and upwards in each county of England and Wales,

showing those who had contracted themselves out of the Agricultural Holdings Act up to June in the present year. The noble Duke (the Duke of Richmond and Gordon) objected to the granting of such a Return on grounds which, he submitted, would not apply to a Return which he now begged to move for. It was a Return of the Public Departments which hold land as Owners or Occupiers in England and Wales, specifying whether they have or have not contracted themselves out of the provisions of the Agricultural Holdings Act up to the 1st of June, 1876.

THE DUKE OF RICHMOND AND GORDON said, that on a former occasion he expressed an opinion that to accede to the Motion of his noble Friend (Lord De La Warr) would lead to considerable inconvenience, that Motion having been for a Return which would have involved an inquiry into the arrangements between private owners of land and their tenants under the provisions of the Agricultural Holdings Act. Of course, the same objections did not apply to a Return respecting arrangements made by public bodies. He took it there were three public bodies to which the Motion now before the House could be taken to apply—namely, the Ecclesiastical Commissioners, the Duchy of Lancaster, and the Woods and Forests. As to the first—the Return of the Ecclesiastical Commissioners—the information sought for by his noble Friend would be found in Returns already produced in the other House of Parliament, and which could very easily be laid on their Lordships' Table. The following paragraphs from that Return would put their Lordships in possession of the advice given to the Commissioners by their Surveyors with reference to the Agricultural Holdings Act:—

“Under these circumstances we advise that each of the Commissioners' tenants have notice that their tenancies remain unaffected by the Act, but that each notice be accompanied with an intimation that the Commissioners themselves have no objections to the Act, and will be prepared to arrange with each tenant for the addition to his agreement of such portions of the Act as may be deemed expedient.

“We continue of opinion that the Act will prove very advantageous to the interests of the country through the adaptation of its provisions to the circumstances of each tenancy, but it will rarely be in the first instance adopted.”

Next as to the lands held under the

The Earl of Camperdown

Duchy of Lancaster. He found that they were about 37,000 acres in all. Of those, 30,000 were held on lease; so that only 7,000 came under the operation of the Act; and of the tenants of these lands, 44 were perfectly content with existing arrangements. The case was therefore narrowed to about 3,000 acres. These had been put out of the operation of the Act because of the very great improvements being made by the Crown on this portion of the property. And when he told their Lordships that the rental of these 3,000 acres was only 7s. 6d. an acre, their Lordships would very readily understand that they could not be in a very high state of cultivation, or be very valuable as regarded farming interests. More than that—of the rental of 7s. 6d. per acre the Crown had to lay out 2s. 6d. per acre. The third case was that of the Woods and Forests. With regard to this land he had an answer from the Crown Receiver by which it appeared that very nearly the whole of the land managed by that Department was let on leases for terms of years. In the cases where the land was not so let the Agricultural Holdings Act was allowed to operate.

THE EARL OF CAMPERDOWN thought there could not be much good in the Act seeing that the tenants were so very little anxious to take the benefit of it. But there were other public bodies beside those mentioned by the noble Duke which had the management of lands—such as the Duchy of Cornwall and Greenwich Hospital.

THE DUKE OF RICHMOND AND GORDON said, he had been under the impression that he was giving the noble Earl all the information he asked for; but perhaps the noble Earl would be good enough in an amended notice to enumerate the Departments respecting which he desired information, and he would give it him.

Return of all the Reports made to the Ecclesiastical Commissioners by their surveyors relative to the Agricultural Holdings Act, 1875: Ordered to be laid before the House.—(*The Lord President.*)

Return *presented*; and to be *printed*. (No. 97.)

UNION OF BENEFICES BILL [H.L.]

Select Committee on: The Lords following were named of the Committee:

M. Salisbury.	V. Cardwell.
E. Devon.	L. Bp. Exeter.
E. Stanhope.	L. Bp. Oxford.
E. Chichester.	L. Colchester.
E. Powis.	L. Stanley of Alderley.
E. Nelson.	L. Hartismere.
E. Kimberley.	L. Coleridge.

The Committee to meet on *Wednesday* the 14th of June next, at Twelve o'clock; and to appoint their own Chairman.

House adjourned at half past Seven o'clock, till To-morrow, Eleven o'clock.

HOUSE OF COMMONS,

Monday, 29th May, 1876.

MINUTES.]—SUPPLY—considered in Committee Resolution [May 26] reported.

PUBLIC BILLS — Ordered — First Reading — Bankers' Books Evidence [171].

Second Reading—Local Government Provisional Orders, Aberavon, &c. (No. 7) * [164]; Smithfield Prison (Dublin) * [163]; Juries Procedure (Ireland) * [126].

Second Reading—Referred to Select Committee—Waterford, New Ross, and Wexford Junction Railway (Sale) * [148].

Committee—Commons [51]—R.P.

Third Reading—Customs and Inland Revenue [124]; Consolidated Fund (£11,000,000); Kingstown Harbour * [136]; Coroners (Dublin) * [152], and passed.

PARLIAMENT—BOROUGHES OF NORWICH AND BOSTON.—QUESTION.

MR. J. R. YORKE asked the Secretary of State for the Home Department, Whether it is the intention of the Government, in accordance with precedent, to recommend to Parliament legislative action, based upon the Reports of the Royal Commissioners appointed to inquire into the existence of Corrupt Practices in the City of Norwich and the Borough of Boston?

MR. ASSHETON CROSS, in reply, said, that it was the intention of the Government to act as mentioned in the Question of the hon. Member. In the case of the City of Norwich, they would recommend Parliament to disfranchise the scheduled voters, and to suspend the Writ during the present Parliament, and in the case of the borough of Boston to disfranchise the scheduled voters only.

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INDIA—NIZAM STATE RAILWAY— LOANS TO INDIAN PRINCES.

QUESTION.

MR. LOWE asked the Under Secretary of State for India, Whether the shares of a Company formed by the Nizam for the construction of a Railway have been placed on the London market; whether such a proceeding is in contravention of the letter or spirit of the statute 37 Geo. 3, cap. 142, sec. 28, by which it is enacted that no British subject shall be concerned, either by himself or by any other person, in raising or procuring any money for such native prince; and, whether, in case the Act is not sufficient to meet the case, the Government will introduce a Bill to remedy the defect?

LORD GEORGE HAMILTON: Sir, it is true that certain shares were issued last Summer by the promoters of the Nizam's State Railway Company, in pursuance of an agreement entered into between the Government of Lord Mayo and the Nizam. With regard to the second part of the right hon. Gentleman's Question, I must remind him that, according to 37 Geo. III. cap. 147, sec. 28, the consent or approbation of the Secretary of State in Council or of the Indian Government has in such cases to be obtained in writing.

DOVER HARBOUR.—QUESTION.

GENERAL SIR GEORGE BALFOUR asked Mr. Chancellor of the Exchequer, If he will lay upon the Table of the House the Report of the Committee recently stated to have been appointed by the former Administration, consisting of the President of the Board of Trade, Chancellor of the Exchequer, First Lord of the Admiralty, and Secretaries of State for War and Foreign Affairs, to investigate and report on the works at Dover Harbour; and, if he will explain the intentions of Government in respect to spending more money on Dover Harbour works, or on Harbour improvements along the dangerous parts of the coasts?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he was not officially in possession of either the Report or the records to which the hon. and gallant Member referred; indeed, he was not aware whether any Report had been made by the Com-

mittee named. He presumed, from the hon. and gallant Member's statement, that there had been a sort of Cabinet Council, consisting of certain Heads of Offices, and that they conferred together on the subject; and no doubt the late Government did agree to the introduction of a Bill with reference to Dover Harbour, but he presumed there was no formal record made by any such Committee. The hon. and gallant Gentleman was perfectly aware that a Bill on the subject of the Harbour was prepared before the last Session, and that last Session a similar Bill was submitted to a Select Committee, of which he believed the hon. and gallant Gentleman was himself a Member. In consequence, however, of the great extension given by the recommendations of that Committee, the Bill was laid aside for consideration; and the Government, in reference to works and other matters of expenditure which they had in view, did not find themselves able to bring forward such a Bill during the present year. With regard to the second part of the Question, there were two different considerations to be borne in mind—namely, harbour works for the preservation of shipping which might apply to other places besides Dover, and works for military and naval defence. In reference to the first of these considerations, the policy of the Government was to encourage loans, through the Public Works Loan Commissioners, for the construction of Harbours of Refuge where the local authorities were unable to carry them out themselves. No doubt, the same course would be open to the Dover local authorities. As to military and naval purposes, the Government were not in a position at present to make any statement, but the subject was one which was under their consideration.

ARMY—DESERTION—CASE OF SAMUEL CHAPPELL.—QUESTION.

MR. HOPWOOD asked the Secretary of State for War, Whether his attention has been called to the case of Samuel Chappell, charged with deserting from the 85th Regiment twenty-two years ago (1854) being then only seventeen years of age; whether it was not proved before the justices at Stockport that Chappell had since served many years in the army of and become a naturalized

subject of the United States; whether Chappell has not been in prison on this charge from the 24th of April; and, whether he will feel disposed, under the circumstances, considering the lapse of time and the imprisonment already undergone, to advise the use of the Royal Prerogative to release the man?

MR. GATHORNE HARDY: On the 18th ultimo, Sir, the clerk to the borough magistrates at Stockport reported to the War Office that Samuel Chappell was charged with desertion from the 85th Regiment in 1854, and that he admitted the charge, but in defence produced a certificate of naturalization as an American citizen, dated the 1st of November, 1867. He was attested on the 14th of June, 1854, declaring his age to be 18 years, and he deserted on the 2nd of February, 1855. The clerk added that the prisoner had been remanded on bail pending the Secretary of State's instructions. In reply, dated the 20th of April, the magistrates were referred to Section 15 of 33 *Vict.*, cap. 45, which enacts that a British subject who becomes an alien—

“Is not thereby discharged from any liability in respect to any acts done before the date of his so becoming an alien.”

The magistrates thereupon committed him as a deserter, and he was removed under escort to Portsmouth, after the necessary inquiries had been made that there was sufficient evidence to try him. He was tried on the 16th of May and found guilty of desertion, but, on account of the state of his health and other circumstances, was not sentenced to undergo any punishment. An order for his discharge from the Army, with a protecting certificate for the future, was sent to Portsmouth on the 26th instant.

NAVY—THE DOCKYARDS, &c.—ADMISSION OF FOREIGN OFFICERS. QUESTION.

MR. HANBURY-TRACY asked the First Lord of the Admiralty, Whether he proposes to take any steps to limit the opportunities now afforded to Foreign Officers of becoming acquainted with all the latest improvements and alterations in the designs of ships building in the Dockyards, and with the results of experiments carried out at great expense to the Country; and whe-

ther, if he is unable to put a stop to the present practice of showing everything to Foreign Officers, he will place the same facilities of acquiring information into the hands of our own Officers?

MR. HUNT, in reply, said, that the foreign officers admitted into the Dock-yards in this country were placed under regulations. No special opportunities were afforded to them for becoming acquainted with the results of experiments in this country, except on the condition of reciprocity; and if there were any further limitations, we should be deprived of the advantage of acquiring similar information from foreign countries. All proper facilities for acquiring information were given to such of our own officers as were considered entitled to them by the Admiralty.

EDUCATION (IRELAND)—IRISH NATIONAL SCHOOL TEACHERS.

QUESTION.

MR. MELDON asked the Chief Secretary for Ireland, Whether it is the intention of the Government to submit any proposal to this House during the present Session for the purpose of placing the condition of the Irish National School Teachers in a satisfactory state as regards their remuneration?

SIR MICHAEL HICKS-BEACH: I am not at present authorized to give any very definite reply to the hon. Member's Question, but I think it is clear from the very contradictory views expressed by several hon. Members in the debate which he raised on the subject that, in the present state of Public Business, any proposals for an alteration of the law could not be successfully made during the present Session. The question, however, may be dealt with in another way, to which I made some reference in the debate to which I have alluded, and that is still under the consideration of the Government.

LAW APPOINTMENTS (IRELAND)—CASE OF JAMES DEVINE.—QUESTION.

MR. MELDON asked the Chief Secretary for Ireland, Whether the Lord Lieutenant has approved of the appointment by the Magistrates of the Petty Sessions district of Borris, in the county of Carlow, of James Devine as Petty Sessions Clerk; and, whether there is not a regulation prohibiting the appoint-

ment of a person more than 40 years of age to the office of Clerk of Petty Sessions; and, if so, is it not a fact that James Devine is over that age, and therefore ineligible?

SIR MICHAEL HICKS-BEACH: Sir, the appointment of James Devine as Petty Sessions Clerk at Borris has not been approved. There is a regulation against the appointment of a person more than 40 years of age to a Petty Sessions clerkship, which has not been altered, and I understand that the person in question is above that age. But it has always been customary to allow exceptions to that limit in the case of persons whose professional qualifications or past experience in the public service might warrant it. I am not at present sure how far the case in question would come under these exceptions; but I should be always anxious to consult the wishes of the local magistrates in matters connected with these appointments, so far as could be done consistently with the interests of the public service.

NEW PUBLIC OFFICES—SITE.

QUESTION.

MR. JAMES asked the First Commissioner of Works, If it is the intention of the Government, in accordance with the intimation given at the commencement of the Session, to introduce a Bill for the purpose of appropriating as a site for public offices the land and buildings within Great George Street, King Street, Charles Street Westminster, and St. James's Park?

LORD HENRY LENNOX, in reply, said, the Government had abandoned their intention to introduce a Bill with reference to this site.

METROPOLIS—THE ORNAMENTAL WATERS IN ST. JAMES'S PARK.

QUESTION.

MR. MONK asked the First Commissioner of Works, Whether his attention has been directed to the offensive effluvia from the ornamental waters in St. James's Park which has prevailed for some time past; and, if so, whether he is prepared to remedy the evil before it is intensified by the heat of summer?

LORD HENRY LENNOX, in reply, said, his attention was called to the matter under notice in consequence of

the Question of the hon. Member. The lake in St. James's Park was thoroughly cleaned out in December last. Since then a considerable quantity of water had been pumped into it; but for a short time there had been a dry season, and that supply was lessened. Since then there had been a plentiful supply of water. He thought the hon. Gentleman would agree with him that it would be most unsafe at this time, when the hot weather was approaching, if he were to set to work to have the lake drained off again in order to remove the deposit.

POOR LAW—OUT-DOOR RELIEF—CASE OF CHARLOTTE HAMMOND.

QUESTION.

MR. WATNEY asked the President of the Local Government Board, If his attention has been called to the death of Charlotte Hammond in Westminster from starvation, and to the verdict of the jury on the inquest; and, further, to ask if, considering that the Poor Law Amendment Bill is now in Committee, he will not consider the advisability of introducing a Clause which shall give the guardians greater power to deal with such cases in the way of out-door relief?

MR. SCLATER-BOOTH: Sir, my attention was called to the case of Charlotte Hammond by the statements which appeared in the newspapers on Friday last, and I immediately directed a communication to be addressed to the Guardians asking whether they had investigated the circumstances, and, if so, with what result. This morning I have received a deputation from the Guardians asking that an inquiry may be made under the provisions of the Poor Law. To this, of course, there can be no objection if it should appear to be necessary; but, in order to determine on the exact course to be taken, I have applied to the coroner for a copy of the depositions. In reference to the suggestion of my hon. Friend, I have to inform him that no amendment of the law is necessary to enable the Guardians to deal with cases of this kind. There is no order of the Local Government Board prohibiting out-door relief in St. George's Union, and the Guardians have ample powers for dealing with such cases as the one in question. The only condition that applies to such relief being given,

Lord Henry Lennox

is that if given to able-bodied persons they must require work to be done.

MERCHANT SHIPPING—LIGHTHOUSE ON CONINGBEG ROCK.—QUESTION.

MR. RICHARD POWER asked the President of the Board of Trade, If any steps have been taken to erect a lighthouse on the Coningbeg Rock, outside Waterford Harbour, as recommended by the Board of Irish Lights?

SIR CHARLES ADDERLEY: Four years ago, Sir—namely, in March and April, 1872—the Board of Trade and the Trinity House suggested to the Commissioners of Irish Lights that a careful survey of Coningbeg Rock should be made, in order to determine the practicability and probable cost of carrying out the proposal which these Commissioners had made to place a lighthouse on the rock, in lieu of the light-vessel now stationed there; but the Board of Trade have heard nothing further on the subject from the Irish lighthouse authority. At the same time, the Board of Trade authorized the Commissioners of Irish Lights to place a powerful fog signal on board the light-vessel. I may add that in 1843 attempts were made to erect a pile lighthouse on this rock, which were not successful, and were abandoned.

UNITED STATES—THE EMMA MINE. QUESTION.

MR. CALLAN asked the First Lord of the Treasury, Whether his attention has been called to the report of the proceedings before the Committee on Foreign Affairs of the House of Representatives at Washington, and the evidence given in relation to the "Directory of the Emma Mine, so called," and, whether, in view of the grave disclosures made therein as to the alleged fraudulent suppression and misrepresentation of material facts in the prospectus of the Emma Mine by parties resident in Great Britain, it is the intention of Her Majesty's Government to take the opinion of the Law Officers of the Crown as to the advisability of instituting criminal proceedings against the parties implicated therein?

MR. DISRAELI: Sir, I have read in the newspapers—in a casual and cursory manner—an account of the proceedings

at Washington upon those matters to which the hon. Gentleman's Question refers; but the statement did not appear before me in that authentic and authoritative manner which would justify me in considering whether I should take the grave step to which the hon. Gentleman refers.

MR. CALLAN gave Notice that on the earliest day he could obtain he would move for the appointment of a Select Committee to make certain inquiries relating to the Emma Mine, the Lisbon Steam Tramways Company, and other companies of a like character, which had either been compulsorily or voluntarily wound up.

ARMY—FORAGE TO MOUNTED OFFICERS.—QUESTION.

CAPTAIN NOLAN asked the Secretary of State for War, If he will modify the new rule, which withdraws forage from mounted officers who are unable to certify that they are the bonâ fide owners of the horses they use on military duty, so far as to permit of officers drawing forage for those horses which they use for military duty, and of which they have the exclusive control; and, if he will grant any relaxation of this rule in the case of mounted Militia officers who are called out for twenty-seven days' training?

MR. GATHORNE HARDY: Sir, the rule is not exactly a new one, it is the revival of the old-established practice of the Service, revived after a very full discussion by a Committee, of whom the Adjutant General, Quartermaster General, Surveyor General, Accountant General, and others are members. It was revived to remedy certain evils arising out of a relaxation of the rule, and it would not be wise to alter it without further experience. With regard to the Militia, there will be no objection to their drawing forage for horses hired for the period of the training, the duty being of a temporary character.

LOCAL FINANCE—INDEBTEDNESS OF LOCAL AUTHORITIES.—QUESTION.

MR. RATHBONE asked the President of the Local Government Board, If he can state approximately the total amount of indebtedness of local authorities on the latest day up to which the accounts are made up?

MR. SCLATER-BOOTH: Sir, my hon. Friend is aware that the information he desires is compiled from Returns furnished under statute by the various local authorities of the country, many of whom are not subject to the control of the Government. The Returns for the year ending June, 1875, have been received and are in process of tabulation, and in the course of a week I shall be able to state the result. I think it will be more satisfactory that I should give an accurate statement a week hence rather than an approximate statement at this moment.

TURKEY—TURKISH FINANCE.

QUESTION.

MR. HAMOND asked the Under Secretary of State for Foreign Affairs, Whether there is any truth in the statement so positively made in the "Standard" of the 26th instant, under the head from our own Correspondent at Constantinople of May 19th—

"That the English Ambassador holds and has expressed the view that it would be a lasting dishonour to Turkey and a complete destruction to her credit if the proposed Scheme for the conversion of her debt, &c., be now dropped by the present Government of Turkey,"

and, if so, seeing that this Scheme is totally unauthorized and entirely disavowed by the English Bondholders—a fact well known to Sir Henry Elliot—whether this alleged statement of the English Ambassador has been made; and, if so, whether it was made by the authority of the Foreign Office, or is merely a personal and unauthorized expression of his own; and, if there is any objection to produce any Correspondence or Communication between the Foreign Office and the English Ambassador upon the subject?

MR. BOURKE: Sir, in answer to the Question of the hon. Member for Newcastle, I have to say that so far as Her Majesty's Government are informed there is no truth whatever in the statement to which his Question refers. Her Majesty's Ambassador at Constantinople has not been authorized or instructed to use the language attributed to him in the Question of the hon. Member; nor do I believe for a moment, under these circumstances, that it is possible for Her Majesty's Ambassador at Constantinople to have used the language which is attributed to him. I need not add that

I have made is based on Returns which have been placed before this House, and which any hon. Member may consult for himself. Previous to, and until the year 1870 the finance accounts gave in separate tables the Revenue raised in Great Britain and in Ireland; but in that year a change took place in the form of those accounts, and the practice was introduced of lumping together the total Revenue of the United Kingdom, so that it is no longer possible to ascertain the amount contributed by England, Scotland, and Ireland respectively. That change in the form of the accounts was made under significant circumstances, when the right hon. Gentleman the Member for the University of London (Mr. Lowe) was Chancellor of the Exchequer. To obtain the requisite information, I applied to the present Chancellor of the Exchequer to give us the means of ascertaining what had been the taxation of Ireland during the past five years, and with his usual courtesy he has allowed the finance accounts to be made up for those five years in the same form as before, and to be laid upon the Table, so that every hon. Member has now the opportunity of knowing what the Revenue is as derived from Great Britain and from Ireland respectively. If hon. Members will look at the Return they will find that from Ireland there has been collected during the last five years £42,000,000 of taxes. That is nearly £8,500,000 a-year, or £1 12s. 2d. for every man, woman, and child in Ireland. Of the £8,500,000 very nearly £6,500,000 are raised by Customs and Excise duties, and are therefore paid by the poorer classes of the people, and that is one of the most serious points in my argument. We pay the Income Tax in Ireland, but we have hitherto been excused the assessed taxes, and various exemptions have been made which affect the upper classes; but the great burden of the taxation, through the Excise and Customs, falls upon the poor. The House will remember, too, that the emigration of 2,500,000—which is a scandal and a shame to this country—is an emigration of the poorest classes. The facts I have stated are very little known to the House of Commons, but they are well known to some hon. and right hon. Members. They are very well known both to the present and to the late Chancellor of the Exchequer (Mr. Lowe),

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and the late Chancellor has before this given his answer to them. He says it is not Ireland that is taxed at all, or England, but the people living in Ireland or England. The individual taxpayer in Ireland pays the same as the individual taxpayer in England or Scotland, and the taxation is therefore perfectly equitable. That is a very old theory of the right hon. Gentleman (Mr. Lowe). When the celebrated Committee of Colonel Dunne was appointed, in 1865, by the House of Commons to investigate the financial grievances of Ireland, the right hon. Gentleman used this very argument in the Committee, and he proposed an Amendment to that effect to the Committee's Report. Nobody was found to second his Amendment, however, and it fell to the ground; but as the matter is of importance I will ask leave to read it to the House. Mr. Lowe said—

“As the taxes imposed on England and Ireland are paid, not by those countries, but by the individuals who live in them; as these taxes are imposed either on expenditure or in proportion to income, and very fairly adjusted to the ability of the taxpayer; and as a man taxed in proportion to his ability in a poor country is just as able to bear taxation as a person possessed of the same means or making the same expenditure in a rich one, your Committee attach little value to such proportions as bearing on the question of Irish taxation, or the ability of the individual Irishman to bear it. Your Committee cannot admit that a country in which no tax oppressive to any individual exists is nevertheless injured and oppressed by excessive taxation.”

As a protest to the doctrine of the right hon. Gentleman, the Committee adopted a very different Resolution, which was proposed by the present Chancellor of the Exchequer, and I will read to the House the following extract from it:—

“The pressure of taxation will be felt most by the weakest part of the community, and as the average wealth of the Irish taxpayer is less than the average wealth of the English taxpayer, the ability of Ireland to bear heavy taxation is evidently less than the ability of England. Mr. Senior, whose evidence on the position of Ireland will be found very suggestive, remarks that the taxation of England is both the heaviest and the lightest in Europe—the heaviest as regards the amount raised, the lightest as regards the ability to bear that amount; but that in the case of Ireland, it is heavy both as regards the amount and as regards the ability of the contributor; and he adds that England is the most lightly and Ireland the most heavily taxed country in Europe, although both are nominally liable to equal taxation.”

CUSTOMS AND INLAND REVENUE BILL.

(*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith.*)

[BILL 124.] THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Mr. Chancellor of the Exchequer.*)

MR. MITCHELL HENRY, in rising to move, by way of Amendment, a Resolution with respect to Irish Taxation, said: Mr. Speaker—Sir, before I enter into any explanation in reference to the Notice I have placed on the Paper I wish to state to the House that it was my wish that this discussion should have occurred at an earlier stage of the Budget, but I was forestalled by the right hon. Gentleman the Member for the City of London (Mr. Hubbard), and the hon. Member for Burnley (Mr. Rylands), and was therefore unable until now to bring on the Motion. I am quite aware that there is no more unpopular subject in this House than Irish financial grievances, because the House believes that those alleged grievances are of a sentimental and unsubstantial character. All I can say is this, that if I did not know very well, from long and very earnest study of the question, that those grievances are of a very substantial and practical nature, I should not trouble the House on this occasion. I am not now going to enter into debate on a state of things long since past, but my observations will be applicable to the conditions that exist at the present day, being, in fact, practical commentaries on the taxation of Ireland at this moment. I will undertake to show that the finances of Ireland are in such a condition that if this country desires to restore the prosperity of that part of the United Kingdom they must enter on a very different course from that hitherto pursued.

The taxation to be raised by the present Budget is greater than has ever before been raised in this country, either in the time of peace or war. I am aware that loans have been transacted, but I can find no record of anything like a taxation of £78,000,000 in one year. Well, Ireland is greatly interested in this, because her taxation is increased as well as that of England. I know, indeed, that a con-

siderable portion of the taxation will be returned to those who pay it in the shape of subventions for local objects, and that a portion of it also is to be applied to the reduction of Debt. I do not intend, therefore, to make any complaint of extravagant estimates, especially as it is absolutely necessary for a great country like this to maintain its Army and Navy on an effective footing; but if we consider that the Income Tax, which is increased in this country, is also increased in Ireland, the remark may be pardoned in passing that the very success of the Income Tax—the fact that for every penny in the pound you now reap a revenue of very nearly £2,000,000—constitutes one of the strongest arguments against it; for it puts a premium upon slovenly finance. Everything in future will turn on the toss of a penny; because a penny of Income Tax either way means a sum of £2,000,000 for the Chancellor of the Exchequer to play with; and we are told that, now you have exempted small incomes, no one much cares whether the Income Tax stands at 2*d.* or at 3*d.* in the pound. Such a condition of things may well prove fatal to painstaking and careful finance as the country has hitherto understood it. Turning, however, from these general considerations, and coming to the subject with which I am more immediately concerned, I wish to make two statements to the House, to which I beg the attention of hon. Members. I affirm that within the last 23 years the taxation of Ireland has doubled, that Ireland now contributes to the Imperial Exchequer £8,500,000, as against £4,000,000 23 years ago. In that period the taxation per head in Ireland has risen from 9*s.* 6*d.* to £1 12*s.* 2*d.* per head. I would further remind the House that in a little more than the same period the population of Ireland has declined by 2,500,000 persons. Whatever explanation may be given of these circumstances, they are worthy of, and ought to receive, the earnest attention of the House of Commons. I am not going to say how far they stand in the relation of cause and effect, but I will say that no Legislative Assembly in the world could have such facts put before them without at once giving them their serious attention. It may be asked—how are we to know that these statements are accurate? My answer is, that every statement

I have made is based on Returns which have been placed before this House, and which any hon. Member may consult for himself. Previous to, and until the year 1870 the finance accounts gave in separate tables the Revenue raised in Great Britain and in Ireland; but in that year a change took place in the form of those accounts, and the practice was introduced of lumping together the total Revenue of the United Kingdom, so that it is no longer possible to ascertain the amount contributed by England, Scotland, and Ireland respectively. That change in the form of the accounts was made under significant circumstances, when the right hon. Gentleman the Member for the University of London (Mr. Lowe) was Chancellor of the Exchequer. To obtain the requisite information, I applied to the present Chancellor of the Exchequer to give us the means of ascertaining what had been the taxation of Ireland during the past five years, and with his usual courtesy he has allowed the finance accounts to be made up for those five years in the same form as before, and to be laid upon the Table, so that every hon. Member has now the opportunity of knowing what the Revenue is as derived from Great Britain and from Ireland respectively. If hon. Members will look at the Return they will find that from Ireland there has been collected during the last five years £42,000,000 of taxes. That is nearly £8,500,000 a-year, or £1 12s. 2d. for every man, woman, and child in Ireland. Of the £8,500,000 very nearly £6,500,000 are raised by Customs and Excise duties, and are therefore paid by the poorer classes of the people, and that is one of the most serious points in my argument. We pay the Income Tax in Ireland, but we have hitherto been excused the assessed taxes, and various exemptions have been made which affect the upper classes; but the great burden of the taxation, through the Excise and Customs, falls upon the poor. The House will remember, too, that the emigration of 2,500,000—which is a scandal and a shame to this country—is an emigration of the poorest classes. The facts I have stated are very little known to the House of Commons, but they are well known to some hon. and right hon. Members. They are very well known both to the present and to the late Chancellor of the Exchequer (Mr. Lowe),

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These were the words indorsed by the present Chancellor of the Exchequer, and anybody can see the fallacy on which the right hon. Gentleman the Member for the University of London (Mr. Lowe's) amendment was based. He regarded only the obvious, superficial, and direct effects of taxation. He took no account of all the remote and secondary effects, which must be regarded by anybody who proposes to rule a great country. Let me put a case to the House. If a gentleman has an estate of £5,000 a-year, and he spends the £5,000 upon himself, at the end of 12 months he will have nothing left to expend on the improvement and development of the resources of his estate. If reproached by his tenants for his reckless and improvident expenditure, what answer will it be for him to say—"Oh! I only spend the same amount as my neighbour?" Well; but his neighbour has an income of £10,000 a-year, and therefore, after spending £5,000, he would have at the end of the 12 months £5,000 to lay out in benefiting his estate. Now, that illustrates the case of Ireland as regards taxation. The case of Ireland is that by this heavy taxation you have removed and do remove such an immense proportion of the income of the country, that not only have the people been obliged to fly to happier climes to gain a livelihood, but there is nothing left to develop the resources of the country. The country is borne down by the excessive character of the taxation, and the abject and miserable poverty, the result, in part, of it, is one of the chief causes of discontent in Ireland. The right hon. Gentleman the Member for the University of London would fix on other men's shoulders a burden which he would not bear on his own. The burden of taxation in Ireland is not only equal to that of England, but infinitely and shamefully larger. England pays in proportion to the income of the people an amount of taxation which is a mere trifle compared with the taxation of Ireland, and I will prove it. Every financier from Adam Smith downwards lays down the doctrine that the taxes to which a man is liable ought not to be taken from his gross income, but from his net income, and that principle is recognized by this House in the exemptions which have been sanctioned in the income tax. Let me now apply the

same principle in dealing with this subject. It is no use stating how much per head individuals pay, unless we know what their income is; because a tax which is light enough to the rich man falls with heavy weight on the poor man. What is the income of Great Britain? Probably, the best estimate ever formed was made by the late Mr. Dudley Baxter in 1869. Mr. Baxter took the amount assessed to the income tax at £400,000,000; he put the income of the wage-earning class at £325,000,000 more; and another £75,000,000 was derived from other sources; thus making the whole income of Great Britain £800,000,000. That estimate is, I believe, generally accepted as the most correct, and certainly the most moderate, that was ever made. Now, what is the income of Ireland? The income on which income tax is assessed in Ireland amounts to £26,000,000; and if we add to that an estimate on the same basis as the one I have referred to as to the income of the wage-earning class, we shall bring up the total income of Ireland to about £48,000,000, which is rather over-estimating than under-estimating it; because the total wages in Ireland bear a less proportion to the other sources of income, while I have put them in the same ratio as in England. What taxation does Ireland pay out of that £48,000,000? Why she pays £8,000,000, that is, there is contributed to the Imperial Exchequer 3s. 4d. of every pound of her income. But then what does England pay out of her £800,000,000 of income? Why, England paid, at the time Mr. Baxter's calculation was made, exactly £67,000,000, which is only at the rate of 1s. 8d. in the pound instead of 3s. 4d. as paid in Ireland. I challenge contradiction to that from either side of the House or from any Chancellor of the Exchequer, past or present. If anybody should question the statement, I should be quite prepared to submit the matter to, say, the same arbitrators as determined the Alabama question, giving England the benefit of the Lord Chief Justice as its Representative, into the bargain, for I am certain that any body of arbitrators could only give one decision. I have hitherto spoken only of Imperial taxation, but both England and Ireland pay local taxation as well, and in the House of Commons we have

all heard the groans of the former country under the infliction imposed upon it in that respect. If we add local taxation as given by Baxter, it results that in 1869 the local taxation of England was £19,000,000, which added to £67,000,000 of Imperial taxation makes a total of £86,000,000 paid by Great Britain. Now the local taxation of Ireland is £3,500,000, which added to £8,500,000, paid to the Imperial Exchequer, makes a total taxation of £12,000,000 out of an income of £48,000,000. That unhappy country, which many hon. Members believe is given only to useless and purposeless complaints, pays to taxation one quarter of its annual income. England pays £86,000,000 out of £800,000,000, which is at the rate of 9½ per cent, or, say, in round numbers, for the purpose of the argument, 10 per cent, against the 25 per cent paid by Ireland. If Great Britain was taxed on the same scale as Ireland, Great Britain would pay £200,000,000 in taxation; while, on the other hand, if Ireland was taxed on the same scale as Great Britain, instead of paying £8,500,000, she would pay less than £5,000,000; which is about the amount at which Ireland ought to be assessed. Now I must go a little further. There is a widespread impression in this House that Ireland is the spoilt child of the Kingdom, and that she has received great favour in the shape of exemptions from taxation. I deny that it is so. Let us look closely at the taxes from which Ireland has been exempted, which are the assessed taxes—the land tax, the railway passenger duty, and for a short period the income tax. These taxes, excluding the income tax, which was speedily imposed on Ireland because a very rich gentleman transferred nearly a million of money from the English to the Irish funds so as to escape the tax, produced altogether in Great Britain about £4,000,000, and if Ireland had been obliged to contribute to all of them in proportion to what she contributes to other taxes, her contribution would have been £326,000. That sum, then, represents the whole of the exemptions which have been given to Ireland, and it is a mere bagatelle in comparison with the excessive sums taken from her in other directions. But there is another thing. It is said that Ireland gets an undue share of contributions directly from the Imperial Exchequer,

and that the Government is very liberal in supporting her public institutions. Now, the contributions from the Exchequer to Great Britain are about £3,500,000, under the heads of Police, Poor Law, and Education. The amount contributed to Ireland for similar purposes is £1,768,000; and then there is £150,000 or £200,000 given to Irish institutions, to which there are no corresponding institutions in England. That brings up the total contributions from the Exchequer to about £2,000,000; but of that sum £1,000,000 goes to the support of the Irish Constabulary, a sum which ought, more properly, to appear under the head of Army Estimates. I admire the Irish Constabulary as a body; but I think it ridiculous to say, that among the grants from the Imperial Exchequer to Ireland, there should be one including the cost of an army of occupation, which that force more accurately represents. All that we get then as direct contributions from England is something less than £1,000,000, and against that we have, as I said, the revenue from Ireland amounting to £8,500,000, which is largely raised under the two heads of Excise and Customs, and of which the principal sum is derived from the spirit duties. Those duties, as everybody knows, have been from time to time augmented, first by the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), and then by the right hon. Gentleman opposite, until they now amount to 10s. per gallon—a point at which they have become oppressive to the Irish people. I, and others, have been accused of desiring to lower the spirit duties, and it has been said that the whole grievance of Ireland is that the Irish have to pay too much for their whiskey. These sneers are unworthy of any hon. Member who reflects at all, and they will not dispose of these discussions. For my part I have never asked for the lowering of the spirit duties, and I do not know that any friend of Ireland would make such a request. But it is quite possible by making a tax too heavy to do harm and injustice in a direction you do not contemplate. The national beverage of England, as we all know, is beer, and the national dish beef; but what makes beer so acceptable to the people of England? Why, it is the alcohol which it contains, for one glass of Bass contains nearly as much alcohol

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as two glasses of sherry. It is that which makes it acceptable, as the alcohol in whiskey makes it acceptable to the Irish people. But you do not tax beer anything like so heavily as you tax whiskey. The duty on the alcohol in beer is only 1s. 9d., as compared with 10s. per gallon on whiskey. If the alcohol in beer was taxed at the same rate as the spirits which the Irish consume, there would be raised to the country from this source alone a revenue of £95,000,000 a-year—enough to pay all the taxes and reduce the National Debt besides. Notwithstanding all the facts I have stated many hon. Gentlemen are still under the belief that Ireland is now prosperous and flourishing. Let us bring this to the test of figures. When you talk of the prosperity of Ireland remember that in that country there are only 273 manufacturing establishments, employing between 80,000 and 90,000 people. If you look to the flax trade in Belfast you will find that the cultivation has fallen off to the extent of 100,000 acres, and is now very much less than it was 20 years ago. There are 57 lines of railway in Ireland; but out of that number 40 pay no dividend at all. Again, 20 years ago the fisheries of Ireland gave employment to 111,000 men, and there were 20,000 boats. Now there are only 20,000 men and 7,000 boats. Returns presented to this House show that during 1872 alone 273,000 acres went out of tillage and were either converted to pasture, or, in the case of 50,000, added to the bog and waste of Ireland. Do you call it prosperity that 2,500,000 of the people of the country in 23 years have left her shores? Remember that that emigration has taken place during the time you have been increasing the taxation, and, as I believe, greatly in consequence of it. It is said, on the other hand, that there are £30,000,000 of deposits in the banks of Ireland, but that is a misapprehension. Half of that amount does not consist of real money. It represents advances by bankers to their customers by way of discounting bills, and in other ways, which are called deposits in accordance with a peculiar system of banking which, I believe, originated in Scotland. There are only really about £15,000,000 of deposits. An apparent increase of £5,000,000, arising

from the deposits of farmers, is only apparent, and is due, I desire to point out, not to the accumulations which they have made owing to the prosperity of the country, but rather to a change in habits, for small farmers no longer, as formerly, hoard their money in stockings or put it in some hole in the chimney, but deposit it in the banks, which of late years have been established in every small town. I am not at the same time prepared to deny that there are evidences that Ireland is in a better condition than it was some years ago, but how so? It is because you have largely by this excessive taxation driven away the people from the country. [An hon. MEMBER: No.] If the hon. Member who says No can confute any of the statements I have made I shall be glad; but I repeat the people have been driven away, and I will not take a cry of No for an answer to a serious indictment. Hundreds and thousands of acres which a short time ago supported families and reared strong men, now raise nothing but beasts belonging to rich graziers, residing either in this country or in Ireland. Ireland is being rapidly reduced to the condition of New Zealand; it is becoming a great grazing country. The land is in the possession of a few proprietors, who, assisted by the overwhelming taxation, have got rid of the great mass of the population, and you have now in Ireland fields which are still green, but no longer gay with the shouts and the laughter of children. A desolation has been made in many parts, and it is called prosperity. We may be told that the tide of emigration has lessened within the last 12 months. I know it, but what is the reason? Why, it is that there is now even more distress as regards employment in America, to which the emigration chiefly went, than there is in Ireland. Having said thus much, Sir, I appeal to Irish Members on both sides to support this Amendment. To other hon. Members I would also make an appeal. Ireland has been too long the battle-field of parties. Every Irish question has been considered in its political aspect, and truly enough there have been great political grievances in that country. You have, however, redressed many of the grievances in connection with the tenure of land, although the Bill passed by the late Government on that subject is far

from perfect. You have also taken away the cause of religious discord, and have removed many great grievances; the chief one now being the refusal to let us manage our own affairs. I appeal to the House to take a broader view of Irish questions in future. We are linked to you by chains which, for my part, I do not wish to see snapped. Let us stand together, and be as one against the whole world; but let us each manage our own local affairs. When we come and ask for remedial measures, do not look at them as you have hitherto done with microscopic eyes or meet them with the arguments of a spurious political economy. I do not ask so much for the removal of taxation as that you should give to Ireland some increased portion of the benefit of that taxation. At present all Government manufacturing establishments are in this country. This money which you take from Ireland you spend in England on your manufacturing and other establishments for purposes of State. You return little or nothing of it to Ireland. You take capital from a poor and struggling country and add it to the capital of Great Britain. I ask you to look in a wise and statesmanlike manner and see if some portion of that amount which you raise in Ireland every year might not be laid out for the benefit of that country as you lay it out now for the benefit of England? The late Lord George Bentinck did initiate a policy of that kind; he devised a scheme for the construction by the State of railways in Ireland, and he laid that scheme before this House; and it is with shame, I confess, that his policy was defeated very much by the votes of Representatives from Ireland. The Ballot, however, has given Ireland, if not a Representation more acceptable to the House of Commons, a Representation more true. You will have no more votes of that kind from the Representatives who now come from Ireland. If the House wishes that in future England should stand firm, and if the cloud now threatening in the East is to grow larger and burst without doing any harm to this country, you must have Ireland with you; and the only way to get her with you is to do her justice, to give her all she reasonably asks, and in short to do to others as you would they should do unto you. It is in order to bring that about, Sir, that I beg to move,

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as an Amendment to the Motion now before the House—

“That, in the opinion of this House, no financial arrangements can be satisfactory which are so framed as to make no provision for relieving Ireland from a burden of Taxation beyond her ability to pay as compared with Great Britain.”

THE O’CONOR DON, in seconding the Motion, said, when the Committee to which his hon. Friend had referred, had concluded its inquiries the right hon. Gentleman the present Chancellor of the Exchequer proposed a Report in which the following words occurred:—

“It is not surprising that the large increase which your Committee have noticed in the general taxation between 1852 and 1862, and again in local taxation since 1845, should have given rise to complaints; nor is it surprising that louder complaints should have come from Ireland than from other parts of the United Kingdom.”

If that were true in 1862 the Chancellor of the Exchequer must admit that the complaints now made ought not to cause much surprise, for since then both Imperial and local taxation had gone on increasing. One of the great objects of bringing the subject before the House was that a contrary opinion to that which was the true one prevailed in this country with regard to Irish taxation. It was generally believed, and the belief was sedulously fostered by the Press and entertained by a majority of that House, that Ireland was favourably treated in the matter of taxation. It was, however, in fact, the greatest fallacy that ever existed. Ireland was always treated as a particular entity when grants to her were under consideration; but the moment a complaint was made as to Ireland being unfairly taxed they were told—“Ireland is not taxed at all; it is only individuals who are taxed, and, as they pay the same taxes as Englishmen, they have no reason to complain.” He admitted at once that it was only individuals who were taxed, but it was quite possible that some individuals might be more seriously affected than others by taxation. The Chancellor of the Exchequer admitted that indirect taxation pressed more heavily upon the weaker portion of the community than upon the stronger; and if it were admitted that the Irish community as a whole was poorer and less able to bear its burden than the English, it must be admitted that it suffered more severely

in this matter of similar taxation, especially as regarded indirect taxation. To prove that similarity of taxes did not necessarily involve equality in the pressure of taxation, he would quote one instance. Suppose Ireland were inhabited by a people like the Chinese, who smoked opium instead of tobacco; and suppose opium were heavily taxed and tobacco were not taxed, surely all would admit that that tax would not press equally on the English and the Irish people. The tax would fall only on the smokers of opium, and in the case which he put would fall entirely on the community occupying a particular part of the United Kingdom. That was to a certain extent the case of Ireland at present. The beverage of the Irish people was more highly taxed than the beverage of the English; and it was from this particular tax that the greatest portion of the Irish revenue was raised. The Chancellor of the Exchequer might say that this was equally true of portions of England, and that those who drank whiskey in England would be just as much taxed as the Irishmen who drank it in Ireland. He admitted that, and he would say that if there were any portion of England as distinctly marked off geographically and by legislation as Ireland was, it should also be entitled to the exemption which they claimed for Ireland. The Chancellor of the Exchequer, in the Report which he prepared for the Committee, said—

“The true lesson to be learned from the statements made was that it was important to make every effort for the reduction of Imperial expenditure generally.”

He should like to ask whether his right hon. Friend, since he came into office, had endeavoured to carry out that principle? Whether he had tried or not, the fact was that there had been increased expenditure within the last few years, and, with that, increased taxation. Another object in bringing forward the Motion was to disabuse the English mind of the idea that Ireland received an undue share of the Imperial expenditure. In certain matters she did receive a larger share than England. For instance, his hon. Friend the Member for Galway (Mr. Mitchell Henry) had alluded to the amount expended on the Royal Irish Constabulary, but he pointed out at the same time that it

ought to be regarded rather as an Imperial than a local force. Local taxation in Ireland had largely increased of late, under the operation of various Public Health and Sanitary Acts, and in some parts of the country these accumulating expenses were exciting quite a terror, and in regard to them he thought aid should be given from the Imperial Exchequer. He did not desire to weary the House by entering into long details on the subject, but having taken a considerable interest in it, he did not like the debate to proceed without saying a few words upon it.

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “in the opinion of this House, no financial arrangements can be satisfactory which are so framed as to make no provision for relieving Ireland from a burden of Taxation beyond her ability to pay as compared with Great Britain,”
—(Mr. Mitchell Henry,)

—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

THE CHANCELLOR OF THE EXCHEQUER said, the question had not advanced very much from the point at which it was left last year, when it was discussed on the Motion of the hon. Member for Youghal (Sir Joseph M’Kenna). At the same time, there could be no doubt that the hon. Gentlemen who had spoken that evening were both exceedingly well qualified to discuss the question, and had indeed done so with an amount of ability which entitled them to the respectful consideration of the House. He doubted, however, with regard to it, whether the House would be likely to arrive at any satisfactory conclusions from merely statistical discussions like the present, because the two parties did not meet upon altogether common ground. There was at the command of the Government, got together by gentlemen in their employ, a considerable amount of statistical information to which they might refer, if such a course were at all desirable, in order to show the real relation of the burdens as compared with the wealth of Ireland. Irish Members always alleged, however, that they were Dublin Castle statistics, and ought not to be appealed

to. For that reason, he declined to avail himself of them last year, and although he could easily bring forward statistics against those of the hon. Gentleman, he doubted whether he could in that way very much advance his cause. Again, it was easy enough for hon. Members to show from a certain number of Returns that the taxation had increased by so much per head, and that the wealth of the country had not increased in proportion; or that England paid so much per head, while Ireland paid another proportion per head. He doubted whether by discussions of that sort they would get at any great results, because all those debates turned in the end to the conclusions arrived at by both the hon. Gentlemen who had addressed the House that evening. Hon. Gentlemen either arrived at the conclusion that they ought to make an alteration in the spirit duties, as compared with the duties on malt liquor and on fermented liquors in this country, or else that they ought to spend more money in Ireland than was done at present in proportion to what was spent in England. With regard to the second conclusion, he wished to point out that it was not consistent with the Resolution which the hon. Member had moved. If they were simply to go and raise more money, for the sake of expending a greater amount in aid of local burdens or improvements in Ireland, that would certainly not be reducing the burdens of the country. It was raising a different question as to whether they should deal in a different manner than they did at present with the great subject of local taxation. That was a subject in which Ireland, like all other portions of the United Kingdom, was interested, and it was a fair subject, at the proper time, for discussion. With regard to the question whether they ought to expend more money on public works in Ireland than in England, he might remark that that would be an uneconomical arrangement. The money raised for Imperial purposes ought, as it was at the present, to be expended in that part of the United Kingdom in which it could be spent with most effect. If, for example, a dockyard were removed from England to Ireland, where the cost would be increased, a burden would be imposed on the United Kingdom, including Ireland as well as England. Therefore the conclusion to which

hon. Gentlemen opposite would draw the House, though they might argue it on its own merits, was not appropriate to this question respecting the mode of raising taxation. He was willing enough to discuss the question that Ireland paid too much, but it was useless for them to attempt to meet the question by spending more money in Ireland. Was it true—nay, was it possible—that they could be raising from Ireland a greater amount of taxation than she was able to bear? That taxation was divisible roughly into two great heads. First, there was the direct taxation, which fell upon property, and which was levied in proportion to the value of that property; and, secondly, there was the indirect taxation, which fell upon articles of consumption, and which was self-regulating, inasmuch as people paid the duties on articles of consumption only as far as they were willing to use those articles. In regard to direct taxation, he did not see how it was possible for a taxpayer in Ireland to pay more in proportion to his property than a taxpayer did in England, unless, indeed, there existed a system under which one man was made to pay, say 2*d.* in the pound, while another man had to pay 3*d.* If, however, they laid the same weight of taxation on the property of all men, he did not see how there could possibly be inequality. Was there, then, any mode in which the taxation was levied that was in favour of one country as against the other? If there was such a mode, and there was a difference, no doubt, in the mode of collecting the income tax, it was not against, but in favour of Ireland. Now, what was the proportion of income tax levied as compared with the wealth of the country? Hon. Gentlemen opposite took two different tests for ascertaining the wealth of the two countries. They assumed the basis of property as assessed to the Income Tax, and on this point he would have to say something. The hon. Member for Galway (Mr. Mitchell Henry) had made a remark on the change effected in 1870 by his Predecessor in office as to the mode in which the finance accounts were presented. He thought some light was thrown on the intention of his Predecessor in making that change by the Report of the Board of Inland Revenue in 1870. The Inland Revenue Commissioners, in their Report of 1870, said—

The Chancellor of the Exchequer

"A striking instance of the difficulty of drawing correct inferences from statistics of this kind was afforded in a Return printed by the House of Commons in 1868. The Return purports to show the proportion of taxation to the wealth of the country in England and Ireland respectively, and the amount assessed to Income Tax is taken as a measure of wealth in both cases. The result, as deduced from the figures, is, that in England the amount raised by taxation is £17 14s. for every £100 of Income Tax, and in Ireland £29 10s. 7½d. We trust that no one will conclude from this that the burden of taxation borne by Ireland is to that of England as 29 to 17, for a more erroneous conclusion could scarcely be arrived at. The Income Tax is taken as the common measure of wealth. Let us see what the Income Tax really represents in the two countries. We begin with Schedule A. In England the assessments on lands and houses under Schedule A are made upon the full annual value. In Ireland they are made, by special enactment to that effect, upon the valuation to the Poor Law, which we believe is, on the average, at the present time in Ireland, at least 20 per cent below the true value. The same observation applies to Schedule B. On Schedule C, when we come to consider it, still less reliance can be placed as a common measure of value than on the previous Schedule. For Schedule C represents the dividends payable at the Banks of England and Ireland respectively, and the dividends payable in the United Kingdom out of all foreign and Colonial revenues. The amount assessed in England is £32,500,000; in Ireland, £1,150,000. Not only, therefore, are there placed to the account of England alone all the investments of Scotland, Ireland, the Colonies, and foreigners in our own public funds, but also all the investments of the Irish, among others, in such securities as Indian Stock, Colonial Bonds, French Rentes, Danish, Dutch, Russian, Turkish, and other stocks of all foreign Governments. The same kind of remarks apply to Schedule D. London is the great central establishment of banks and public companies of the United Kingdom, and of many which carry on their business in the Colonies and in foreign countries. The investments of the Irish themselves in Irish companies are assessed to Income Tax not unfrequently in London, where the head offices of the companies are situated. Schedule E, again, is as fallacious a guide as the others. Under it are assessed in England £19,000,000 of salaries and pensions of public servants, and of officers of public companies, and £1,000,000 in Ireland, the officers of public companies being charged at the head office of the companies, and nearly the whole of the civil, naval, and military servants of the British Empire being also assessed in London. Even the public servants employed in Ireland are for the most part charged in England. What the truth may be as to the comparative burden from taxation in England and Ireland we are not prepared to say, but certainly the Return referred to does not afford any solution of the question."

The argument, he admitted, might have more bearings than one, but it undoubtedly showed how very fallacious

were arguments founded upon statistics of this kind, when compared with the irrefutable argument furnished by the produce of the Income Tax. If the produce of a 3d. Income Tax showed that it was levied upon incomes amounting to £100,000,000, it was difficult to see how it could be argued that that £100,000,000 of income did not exist. But he was told—"Yes, but you yourself have said that with equal taxation the tax will press more heavily upon the poorer than the richer country." He quite agreed with that observation; but it applied not only to Ireland as compared with England, but to the poorer parts of the two countries as against the richer portions of them, and even to poorer individuals as against the richer ones. If that were the state of the case, let them look at what had happened since 1865. Had taxation been increased since that time so as to press more heavily upon the poorer classes in the Kingdom. Taking the present Budget, for instance—was there anything in it that would cause taxation to press more heavily upon the less wealthy classes? The truth was that since 1865 the pressure of taxation had been largely reduced. What the Government were doing at the present moment, and what they were reproached for doing, was to extend the system of exemptions in favour of the poorer classes, and in this respect, at all events, Ireland would receive its fair share of relief. There was nothing, therefore, in the Budget of the present year that was unfavourable to Ireland. Since 1865 many taxes which pressed heavily upon the poorer consumer, such as the sugar duties, had been abolished, while, on the other hand, he defied anyone to show that any single tax had been imposed that touched Ireland peculiarly. The increase in the Revenue from Ireland was due, not to an increase of the taxation, but to its increased productiveness owing to the growing wealth and prosperity of the country. [Mr. MITCHELL HENRY: What about the spirit duties?] Why, they had not been increased since 1865. Reference having been made to the spirit duties, he would remind hon. Members that having a deficit to meet he had to adopt one of two alternatives—namely, either to make an addition to the income tax or to increase the spirit duties, and he had not selected the latter, because he knew that it would press

very heavily upon the poorer consumers of Ireland. Did hon. Members really mean to propose what they had hitherto shrunk from doing, that the spirit duties in Ireland should be reduced? No one, he was sure, would get up in that House and contend that, in order to relieve the pressure of taxation in Ireland, the spirit duties should be reduced. But, excepting the spirit duties, taxation had grown very little indeed of late years in Ireland. A Return which had been moved for some two years ago by the hon. Member for Youghal showed the gross Revenue of Ireland derived from taxation in the years 1841, 1851, 1861, and 1871, distinguishing the amounts received from spirits, income tax, and other items of Revenue. The curious result of that Return was, that between 1841 and 1871, if they omitted spirits, there was scarcely any increase whatever in the taxation from Ireland, although they had had the income tax extended to them. That Return showed that the amount of the Revenue was £2,943,000 in 1841, and £3,600,000 in 1871, while the Revenue of England had increased in the same period from £41,900,000 to £48,700,000; and that whereas the rate of taxation in Ireland, exclusive of the spirit duties, was 13s. per head, that in England was £1 17s. Of course, the addition of the sums raised in Ireland by means of the spirit duties made a very considerable difference in the relative amount of the taxation of the two countries. It was quite unnecessary that he should go into minute calculations as to the amount Ireland got in the way of subventions in aid of local and other purposes; but that was a question on which Government had got a very good case. Undoubtedly, Ireland received a much larger sum in that way in proportion to her wealth, her population, and her taxation than either England or Scotland. He must, however, remind hon. Members that the question under discussion was not how much Ireland ought to be assisted in the way of general taxation, but whether the financial arrangements for the present year were or were not fair, and whether they did or did not bear with any undue hardship upon her, and for the reasons he had given he could not see that they did. He did not see how direct taxation fell more heavily upon an income of £100 a-year in Ireland than it did upon a similar income in Eng-

land, neither did indirect taxation in Ireland fall more heavily on the consumer in Ireland than it did upon the consumer in England or Scotland. The Government were always glad to hear these matters fully discussed, and if they saw that any unfair burden was cast upon Ireland nothing would give them greater pleasure than to release her from it. Ireland had no doubt enjoyed, and continuously enjoyed, these exemptions. The Government did not at all desire to press that there should be equality of taxation. All they said was, that there was no case whatever to show that there was any inequality as against Ireland.

SIR JOSEPH M'KENNA said, that what they had to complain of was this—It appeared from Returns before the House that between 1841 and 1871 the gross Revenue levied in Ireland by taxation had been increased 90 per cent, but during that period the gross Revenue levied in England had been increased scarcely 20 per cent. He admitted that by further applying the principle of a similarity of taxation, £360,000 or £370,000 more might be wrung out of Ireland; but let the House consider how differently Ireland was dealt with from Great Britain with reference to the total taxation as compared to income. Ireland paid 5s. 3d. in the pound taxation in proportion to the whole of her incomes, whereas Great Britain paid only 2s. 6d. and a fraction taxation on the whole of her incomes. If the whole of the increase of Revenue in Ireland had grown out of the spirit duty, could there be more conclusive evidence against the system applied to the taxation on spirits? Why did not the Revenue from other taxed articles increase as in England? Because Ireland was not in a prosperous state. The taxation on spirits in Ireland had increased £2,500,000, from £900,000 to £3,400,000. This increase of taxation was laid on a beverage that he was sorry to say was too much in vogue among his countrymen. But what had been the course pursued with reference to beverages most in use in England? The duty on malt had been reduced, and there had been a reduction in the wine duty. As a defence of the duty on spirits in Ireland, it was said that it was a tax paid by individuals who by refraining from the use of spirits could escape from the tax; but spirits being

the beverage of the generality of the people of Ireland, the argument as to the tax being a tax upon individuals did not apply. The people of England were a cheese-eating people, and if a tax were imposed upon cheese in this country, could it be said to be a tax merely upon individuals? The people of England would resist the imposition of such a tax; but, as very little cheese was eaten in Ireland, the people of that country would not care if a tax were imposed upon cheese. The people of Ireland did not complain of the present proposals of the Chancellor of the Exchequer, but rather of the whole course of fiscal legislation since 1851, which had relieved England and pressed upon Ireland, and which was justified on the assumption that similarity of impost was equivalent to equality of taxation, which was the fundamental error.

DR. WARD supported the Resolution, maintaining that injury and injustice were done to Ireland as compared with England under the present system of taxation. Whatever arguments might be put forward, the great fact remained that Ireland paid 5s. in the pound as against 2s. 6d. paid by England; and so long as that was the case Ireland would feel unjustly taxed. Beyond that, everything pointed to this conclusion—that, comparatively with England, the individual poverty and the anomalies of poverty in Ireland were enormous.

MR. BUTT said, he had heard no answer to the case made out by his hon. Friend the Member for Galway (Mr. Mitchell Henry). Ireland contributed to the Imperial taxation—amounting this year to £78,000,000—£8,500,000, and Great Britain £69,500,000. That was not in proportion to the relative ability of the two countries. Allow him just to ask the attention of the House for a moment to the state of the case. The right hon. Gentleman the Chancellor of the Exchequer began the question as to the taxation of Ireland by showing that so far as it was founded on the income tax there must be a very minute difference. Even if there were some little inaccuracy in the manner in which his hon. Friend had calculated the income of Ireland, owing to the different mode of levying the income tax there, that would not materially alter the question at issue. They might increase

the income of Ireland from £48,000,000 to £52,000,000 or £53,000,000, and reduce that of England by £2,000,000 or £3,000,000, but the great injustice would remain all the same. He could not think the Resolution was foreign to the Bill before the House. They charged the right hon. Gentleman not with sins of omission, but with sins of commission; and by that Resolution they sought redress. It was idle to say that for commercial purposes Ireland was not in the same community. When they had a community they could not take away money from the community without injuring it. From the time of the Union down to the present day the finance of Ireland had always been dealt with as something belonging to a separate community, and when remissions were made in favour of any class in Ireland they always heard of the boons granted to that country. Suppose Ireland was now obliged to pay to England, as she did before 1817, by taxation of her own, a sum of £8,500,000, would that not be injustice? If they raised the same tax on spirits as they proposed, would they say that no injustice was done to Ireland? The question could not stop where it was; it was not to be met by the answer—"Do you ask us to reduce the duties on spirits?" He knew that they could not ask the Government to upset the whole trade on their taxation, right or wrong. They had arranged that the rest of taxation should be raised, but he called upon them, if they imposed one that did weigh heavily upon Ireland, to remedy the injustice—they did it in the rest of their financial schemes—and frame another tax, and give the relief to Ireland to the same extent as the tax they imposed. It was for them to devise that. But at the same time he must say for himself that he thought there was a great deal said that was not true about the high duty on spirits. He did not believe they suppressed drunkenness in proportion as they raised the price of spirits. Whenever they increased the price of a commodity they more or less diminished the consumption, but it was equally true—and it was one of the elementary principles of political economy—that an increase of price diminished the consumption of articles of first necessity far less than of articles of luxury. Unhappily, to the drunkard

strong drink was a prime necessity, and they could not prevent him drinking strong spirits in the proportion as they raised the price. It was a common experience that a man would give up his dinner often and sell his clothes to have strong drink; but he said they were not asking them to reduce the duty on spirits. They were asking to have an injustice now done to Ireland removed. The injustice was not denied; it had been admitted in the course of the debate, and there was no case made out why it should not be remedied. Irish Members would have neglected their duty if they had not entered a mild protest against the continuance of a fiscal injustice; and, if the grievance was not redressed, he believed that another Budget would not be allowed to pass without much stronger opposition.

MR. MITCHELL HENRY said, he did not want to divide, and would withdraw his Motion; but he might state that he thought the arguments of the right hon. Gentleman the Chancellor of the Exchequer did not meet the case: and, however that might be, he was sure that the financial grievances of Ireland would not be lessened by the contempt with which they had always been treated by the front Opposition bench.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read the third time, and *passed*.

COMMONS BILL—[BILL 51.]

(Mr. Secretary Cross, Sir Henry Selwin-Ibbetson.)

COMMITTEE. [Progress 25th May.]

Bill considered in Committee.

(In the Committee.)

On Question, That the Preamble be postponed?

SIR CHARLES W. DILKE said, he did not desire to raise a debate on the general principle of the Bill, he simply rose to make some observations which were of a somewhat personal nature, and had reference to what passed in the course of the discussion on the Motion for going into Committee on the Bill on Thursday last. On that occasion the right hon. Gentleman the Secretary of

State for the Home Department made some remarks upon a pamphlet issued by a certain society with which he (Sir Charles Dilke) was connected—

MR. STAVELEY HILL rose to Order. He wished to ask the Chairman whether it was competent for the hon. Baronet, on the Question that the Preamble be postponed, to enter into a discussion on the general principle of the Bill. He was aware in one or two instances it had been allowed; but he would refer to the authority of Sir Erskine May to show that the reason why the Preamble was generally postponed was that the provisions of a Bill might be made consonant with any Amendments which might be introduced into its clauses in Committee, and that it was not usual on such an occasion to discuss its principle.

SIR GEORGE BOWYER reminded the Committee that on the Question that the Preamble of the Lands Titles Bill be postponed, last Session, he, when about to make some remarks on the general subject, had been called to Order, and that the Chairman ruled it was not competent for him to make those remarks.

LORD EDMOND FITZMAURICE said, that the hon. Baronet the Member for Chelsea had distinctly said that it was not his intention to raise any discussion on the general question at all, but simply to call attention to a statement affecting himself.

MR. BERESFORD HOPE also understood that the hon. Baronet had no intention of entering into a discussion of the general question. He was surprised at the intervention of the hon. and learned Member for West Staffordshire (Mr. Staveley Hill).

THE CHAIRMAN: The hon. and learned Member for West Staffordshire has correctly stated the reason which has led to the Preamble being generally postponed—namely, in order that its provisions may be made consonant with any Amendments made in the clauses of the Bill. That is, no doubt, a reason why the Committee has almost invariably been content to postpone the Preamble without any discussion thereon. The Motion has, I think, been regarded as one of those practical conveniences, enabling a question to be raised as to the proceedings of the Minister or Member in charge of the Bill. On it a Question could be asked and answered;

Mr. Butt

it is analogous to other Motions, such as that the Bill be reported with Amendments, but it is not intended for general discussion. At the same time, I must state to the Committee that on more than one occasion this rule has been departed from. Last year there was a very notable instance of this. A noble Lord, occupying a position of great authority in the House, made a speech upon the general question, upon the Motion that the Preamble be postponed. I entertained great doubt at the time whether it was right that I should allow that course to be taken; but, on referring to precedents. I found that in one instance the hon. Member for Peterborough (Mr. Whalley) had entered into a discussion on the principle of a Bill on the Motion that the Preamble be postponed. Therefore, I did not feel myself at liberty to stop the noble Lord, though if my opinion had been asked, I should have stated to the House what I have now stated. The hon. Baronet the Member for Wexford (Sir George Bowyer) states that on a similar question I prevented him from discussing the principle of a Bill. I have no recollection of the circumstance at this moment; but I am rather inclined to think that some hon. Member having challenged the course taken by the hon. Baronet, I may have expressed my opinion as to the irregularity and inconvenience of the proceeding, and that the hon. Baronet, with that regard which he always has to the practice of the House, had willingly postponed his observations. I did not stop the hon. Baronet the Member for Chelsea (Sir Charles Dilke), because I understood his observations had no reference to the general object of the Bill, but that he was entering into something which was more in the nature of a personal explanation.

SIR CHARLES W. DILKE said, that was so. He wished rather to give the hon. Member for Reading (Mr. Shaw Lefevre) an opportunity of making a personal explanation. Beyond that he merely desired to offer a few observations to the Committee in answer to the remarks which had been made by the right hon. Gentleman the Secretary of State for the Home Department. Having been for some years Chairman of the Commons Preservation Society, and subsequently an active member of it, he considered himself partly responsible for

the statements of the pamphlet. He had read it in proof, and had attended the two meetings at which it was discussed. He thought they had a right to call upon the Home Secretary to point out the passage which he characterized as untrue, because the right hon. Gentleman the Member for South Hants (Mr. Cowper-Temple), the noble Lord the Member for Calne (Lord Edmond Fitzmaurice), Mr. Andrew Johnstone (formerly a Member of that House), and others, were prepared to stand by the statements which it contained. As to the other remark of the Home Secretary, that the pamphlet had formed the foundation of the Petitions against the Bill, a large number of Petitions were sent in before the pamphlet appeared. There had been no sending out Petitions from a central London office, and the Commons Preservation Society had had nothing to do with any organized Petitioning against the Bill.

MR. SHAW LEFEVRE said, that the right hon. Gentleman the Home Secretary had attempted to throw discredit upon the Petitions which had been presented against the Bill, because they were founded upon the statements in the pamphlet, which he characterized as untrue. There was no foundation for that statement of the right hon. Gentleman, for 228 Petitions out of 240 were presented before the pamphlet appeared, and there had been an entire absence of anything like an attempt to raise up opposition to the Bill amongst the agricultural labourers. With regard to the pamphlet itself, he (Mr. Shaw Lefevre) had written a certain portion of it, and the remainder was written by Mr. Hunter, who knew more about the subject of commons than any person in this country, and who had been professionally engaged in the great Epping Forest suit, and in all the other recent suits affecting commons. He affirmed that the pamphlet was a true, candid, and fair statement, and that the Home Secretary's extravagant language had no reasonable foundation. The right hon. Gentleman should credit his opponents with good motives, and not launch out into extravagant language about untruthful statements.

MR. ASSHETON CROSS said, he was glad there was some such society as a Commons Preservation Society, and no one would be more ready to join it than

he, if its objects were practicable. He had always stated that great care should be taken that no common should be inclosed which ought not to be so treated. With regard to the question raised in the Petitions, he was glad to hear what had fallen from the hon. Gentleman who had spoken; but he must add that the practice which was growing of central associations in London sending out Petitions over the country to be signed would not enhance their value. With regard to the pamphlet, what he meant to say was, not that its statements were untrue, but that it gave an untrue and unfair description of the Bill. There were a great many things in the Bill which were not to be found in the pamphlet, and when a pamphlet of the kind was put forward on behalf of a society, it would have been wiser to give all that was to be found in the Bill. For example, the pamphlet made no reference to the fact that he had embodied in the Bill the 10 recommendations of the Select Committee of 1869; it drew no distinction between inclosure and regulation; and it omitted all allusion to the fact that he intended to propose a Standing Committee to deal with these inclosure schemes, and to the great feature with respect to the presentation to Parliament of separate Reports, with verbatim copies of the evidence, upon each case that was dealt with by the Commissioners. He would, however, willingly withdraw the word "untrue" and substitute "unfair." His great object was to see that no inclosure should take place which ought not to take place, and which was not approved of by the calm judgment of the House. That he believed the provisions of the Bill would accomplish.

LORD EDMOND FITZMAURICE said, that he was in no manner responsible for the words and terms of the pamphlet, having been absent from the meeting of the Commons Preservation Society at the time it was prepared, owing to illness. He disclaimed all intention on the part of the Commons Preservation Society to prejudice or misrepresent the case of the right hon. Gentleman, but he believed they had not made any misrepresentation as to facts.

MR. FAWCETT explained that the reason why he and his Friends opposed the Motion for the postponement of the Preamble was because they felt that the observations of the Home Secretary in

reference to the pamphlet cast undeserved reflections upon them. He could assure the Committee that every line of that pamphlet had been most carefully considered and submitted to Mr. Hunter. He complained that the Preamble of the Act of 1845, which said it was desirable to facilitate the inclosure of commons, was left unrepealed, while, as the Home Secretary had explained, the Preamble of this Bill was to retard inclosure and facilitate regulation. Thus there would be two Preambles of co-existing Acts, such Preambles being quite contradictory. He wished to know whether the right hon. Gentleman meant to repeal the Preamble of the Act of 1845?

SIR WALTER BARTTELOT said, that what the hon. Gentleman opposite (Mr. Fawcett) evidently wanted was a declaration in the Preamble that there should be no inclosure. He had raised precisely the same point in the Committee of 1871-2, when he made a proposition which was supported by no one but himself, the other 11 Members voting against it. In the legislation proposed, the Government were taking a perfectly intelligible course. They were introducing a Bill which professed to give no facilities for inclosures; but, at the same time, they were not prepared to say that there should be no inclosures at all. He deprecated the strong reflections recently cast by the hon. Gentlemen upon the Inclosure Commissioners, who had simply acted in conformity with their instructions and with the spirit of the Act of 1845.

SIR CHARLES W. DILKE said, he was far from blaming the Inclosure Commissioners, but the defence just offered for them furnished the strongest reason for repealing expressly the Preamble of the Act of 1845, under which the Commissioners had acted.

MR. GOLDNEY thought that the words contained in the Preamble of the Bill, that in future inclosures regard should be had to the benefit of the neighbourhood as well as to private interests, were quite sufficient to show the bearing of the measure.

MR. SHAW LEFEVRE, admitting that the Bill was a step in advance for a Conservative Government, which was due to the subject having progressed by rapid strides of late years, said, it nevertheless followed too closely a direction in the Act of 1845 which had not worked

satisfactorily, and had led to the wholesale inclosure of commons.

LORD HENRY SCOTT said, he had put on the Paper an Amendment which, if it was accepted, would make clearer the declared intentions of the Government.

MR. BERESFORD HOPE said, no Preamble had any binding authority, but was simply an interpreting document. There was another matter to be considered besides the Preamble, and that was the title of the Bill. The Act of 1845 was an Act to facilitate the Inclosure and Improvement of Commons. That was entirely an Inclosure Act, and accordingly such open places as came under it ceased, by the very terms of the enactment, to be commons, and were treated as inclosures, whereas the present was, on the contrary, a Bill for facilitating the Regulation and Improvement of Commons, and Amending the Act relating to the Enclosure of commons. By this Bill commons, in coming under its operation, did not cease to be commons, but had that character preserved to them by being "regulated" as such. It was very unfair to infer the policy of the Commissioners, when they should have to administer an Act for preserving commons from that which they had pursued when administering one for the cessation of commons.

MR. ASSHETON CROSS said, the Bill was really an extension of a regulation Bill introduced by the hon. Member for Reading (Mr. Shaw Lefevre) in 1861, and the only reason for having a Preamble was to draw special attention to its object. When they came to discuss it, he might have no objection to the introduction of words to make it more elastic within certain limits.

MR. FAWCETT again urged that his objection to leaving the Preamble of the Act of 1845 unrepealed was not answered. The Preamble of that Act had been acted upon by the Commissioners, and when the Act itself was quoted as having influenced their conduct, he wanted to know what security there would be, if that Preamble remained unrepealed, that it would not have an influence on them for the future.

MR. ASSHETON CROSS said, a Preamble could not be repealed. Such a thing had never been done.

MR. GREGORY thought they were fighting a shadow. All the Preamble

did was to recite the operative part of the Act of 1845. It did not recite the Preamble of that Act, nor could any Preamble have effect, so far as it was inconsistent with the subsequent provisions. The present Preamble then went on to say that further provision for the protection of commons was desirable, and the Bill contained those new provisions: so that both the Preamble and the Act of 1845 were entirely overridden, and only so much of the machinery of the latter adopted as would be convenient in carrying out the latter enactment. He regretted the attack made on the Inclosure Commissioners by the hon. Member for Hackney. In his (Mr. Gregory's) opinion they had zealously and usefully performed their duty. In order to show the unfairness of the attack he would take two of the cases which had been referred to. The first was a common of 31 acres in the parish of Wolstanton, no doubt in the immediate neighbourhood of large and populous towns, but what was stated as the reason for its inclosure?

"That the land was wet and marshy; the turf peeled. The fets and open drains receptacles for refuse, and breeding places of fever, ague, and rheumatic complaints, epidemics frequently prevail, and the marsh in its present condition is a nuisance."

The other was a common alleged to be in the vicinity of Sheffield, whereas it was in fact several miles from that town, and never resorted to by the inhabitants of it, who had large tracts of common land almost up to their very doors, but being on the borders of three counties—Notts, Derby, and Yorkshire—it was much resorted to for training, prize and dog fighting, and other illegal purposes, and had become a perfect nuisance to the neighbourhood. The hon. Member for Hackney further said, that the Commissioners had out of 60,000 acres only set apart 7,000 acres for recreation; but the fact was that they had set apart 14,000 acres of the best land for the construction of roads, the erection of schools for recreation, and other purposes, which tended greatly to public advantage.

MR. COWPER-TEMPLE said, he had no wish to attack the Inclosure Commissioners, but he thought they had taken a narrow view of their duties, in facilitating every inclosure without taking into consideration the benefits

regard to the pamphlet, what he meant to say was, not that its statements were untrue, but that it gave an untrue and unfair description of the Bill. There were a great many things in the Bill which were not to be found in the pamphlet, and when a pamphlet of the kind was put forward on behalf of a society, it would have been wiser to give all that was to be found in the Bill. For example, the pamphlet made no reference to the fact that he had embodied in the Bill the 10 recommendations of the Select Committee of 1869; it drew no distinction between inclosure and regulation; and it omitted all allusion to the fact that he intended to propose a Standing Committee to deal with these inclosure schemes, and to the great feature with respect to the presentation to Parliament of separate Reports, with verbatim copies of the evidence, upon each case that was dealt with by the Commissioners. He would, however, willingly withdraw the word "untrue" and substitute "unfair." His great object was to see that no inclosure should take place which ought not to take place, and which was not approved of by the calm judgment of the House. That he believed the provisions of the Bill would accomplish.

LORD EDMOND FITZMAURICE said, that he was in no manner responsible for the words and terms of the pamphlet, having been absent from the meeting of the Commons Preservation Society at the time it was prepared.

be two Preambles of such Preambles being tory. He wished to know right hon. Gentleman the Preamble of the Act

SIR WALTER BARTON said that what the hon. Gentleman (Mr. Fawcett) evidently meant by his declaration in the Preamble should be no inclosure. He pointed out precisely the same point in the Preamble of 1871-2, when he had introduced a Bill which was supported by himself, the other 11 Members against it. In the legislation the Government were taking an intelligible course. They were introducing a Bill which provided facilities for inclosures; but at the same time, they were not prepared to say there should be no inclosure. He deprecated the strong reflection cast by the hon. Gentleman on the Inclosure Commissioners. They had simply acted in conformity with the instructions and with the spirit of the Act of 1845.

SIR CHARLES W. DILLON said he was far from blaming the Inclosure Commissioners, but the Government offered for them furnished no reason for repealing the expiring clause of the Act of 1845. He said the Commissioners had acted in conformity with the Act of 1845.

MR. GOLDNEY then moved for words contained in the Preamble of the Bill. that in future inclosures should be made in conformity with the Act of 1845.

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MR. COWPER-TEMPLE said, he had no wish to attack the Inclosure Commissioners, but he thought they had taken a narrow view of their duties, in facilitating every inclosure without taking into consideration the benefits

arising from lands in their uninclosed condition.

Question put, and *agreed to*; Preamble postponed accordingly.

Clause 1 (Short title) *agreed to*.

PART I.

LAW AS TO THE REGULATION AND INCLOSURE OF COMMONS.

Applications in relation to Commons.

Clause 2 (Alternative provisional order for regulation or inclosure of Commons).

MR. COWPER-TEMPLE moved, as an Amendment, the insertion of words at the end of the clause, to the effect that after the passing of the Act the Commissioners should entertain no application for the inclosure of any common, but only for the regulation of it. The purpose of the facilities given by the Inclosure Acts had been the growth of corn, and the best land was already inclosed. The feeding of cattle was obtained as well by regulated pasture as by converting common land into private property. No public advantage was secured by changing commons into private parks, woods, or game preserves. Though individual labourers might be compensated, their successors, as a class, were deprived of comfort and profits. The loss to the public would be severe when all waste lands were fenced in, and they ceased to be used for public enjoyment and recreation. The open land in England was not more than sufficient, and certainly facilities for inclosures should not be given. Perhaps in particular districts there might be advantages to the neighbourhood by inclosing, and thus creating a demand for labour; but still the land had probably been open ever since the Norman Conquest, and there was no particular reason that it should be inclosed just at this time. He believed that the Amendment which he proposed would be an advantage in carrying out more effectively the object which the Secretary of State said he had in view in proposing the measure.

Amendment proposed,

In page 2, line 31, to leave out all the words after the word "Common," to the end of the Clause, in order to insert the words "but after the passing of this Act the Commissioners shall

Mr. Cowper-Temple

not entertain an application for the inclosure of any Common or any part thereof; and notwithstanding any proceedings taken under any Act other than this Act, or any Provisional Order of the Commissioners made but not already confirmed by Act of Parliament, proceedings may be taken under this Act for the regulation of any Common,"—(*Mr. Cowper-Temple*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. GOLDNEY differed very materially from the right hon. Gentleman, though he would endeavour to identify his own feelings with those of the right hon. Gentleman so far as he could. He, however, was sure that the plan proposed would to some extent be destructive of the object sought—the regulation of commons. Now, he maintained, that inclosure and regulation were necessarily hand in hand. The right of common was nothing more than the right of certain persons to enjoy rights of a definite kind over the land of another. Common rights were of three sorts—appendant to certain estates, appurtenant to certain districts, or common in gross; and the common rights was mostly of four kinds—feeding animals on the land, catching fish, cutting turf, or cutting wood. If all the persons so interested in the lands agreed, then it could be inclosed without the action of the Inclosure Commissioners, who were only required when some of the parties did not agree. The Bill provided that in regulating commons they might purchase up certain interests; but still a man might say that he would not have money, that he would only forfeit his right upon having a portion of the land allotted to him. To arrange in such a case there must be a power of inclosure. In many instances also inclosure was of the greatest benefit. At present the public had not the full enjoyment of commons, for certain persons could insist on cutting wood, digging gravel, and exercising their other rights at the best places, and he could fully bear out the statement of the leading journal that commons were often taken possession of by a low class of people, to the exclusion of the respectable portion of the public. In his opinion, the present Bill was rather hard upon the owners of land, and especially upon the lords of manors. He declared that it was the most liberal and advanced mea-

sure on the subject that had been introduced into Parliament during his experience.

MR. SHAW LEFEVRE contended that the Bill should be confined to the regulation of commons, which had never yet been tried on any large scale, and that inclosures should be postponed for five or six years, in order to give a fair trial to the schemes for regulations. If the regulation schemes succeeded, it would not be necessary to proceed to inclosure. His fear was that if they offered the alternative of inclosure, parties would not be found to put the scheme for the regulation of commons into operation. He entirely disagreed with the hon. Member who had just spoken that this measure was the most liberal and advanced one which had been introduced into Parliament. It did not compare in this respect with the Bill of 1871.

MR. ASSHETON CROSS said, it was impossible for the Government to adopt the suggestion of the hon. Gentleman opposite (Mr. Shaw Lefevre), for the reason that if all inclosure was stopped, they would be doing all they could to further illegal inclosure. The Committee had already decided, by a very large majority, that it would not interfere with the rights of the lords of the manors or of the commoners without compensation. That question might be considered as settled. The Bill was accompanied with proper safeguards, and, under its regulations, it would be found that the commoners would derive much greater benefit from their commons than they had ever done before. Moreover, he believed that lords of the manor and commoners would not make application for inclosure where there was any chance of its being opposed and lost. Therefore he did not apprehend the dangers entertained by the hon. Gentleman, and he hoped the Committee would assent to the scheme propounded in the Bill. On the other hand, the Amendment would so mutilate the measure as to make it hardly worth passing into law.

MR. MORGAN LLOYD said, that on the last occasion when this subject was before the House he voted in favour of the Amendment of the hon. Member for Hackney (Mr. Fawcett), because he thought it desirable that commons near large towns ought to be preserved. But he thought that commons of that kind

and those situated in distant parts of the country stood on a very different ground. He was opposed to the present Amendment, for he thought it would be to the benefit both of the lord of the manor and of commoners that in certain cases provided for inclosures should take place. He thought that commons under the authority of the Crown ought to be brought within the purview of the Act. While the Bill provided facilities for keeping open commons near large towns, it did not provide sufficient facilities for inclosing the waste lands in remote and hilly districts such as he knew in North Wales, and especially in Cardiganshire. They were held, not in common but in severalty. The consequence was, that the sheepwalks were over-stocked, to the injury of the farmers themselves as well as of the community. The Returns on this point were misleading. He knew of one district in which the waste and uninclosed lands were given at 460 acres, whereas they amounted to 20,000 acres. He hoped the Government would provide greater facilities for the inclosure of such wastes in remote and thinly-populated districts. He was sure such a measure would be popular throughout the whole country.

MR. WALSH agreed with the hon. and learned Member for Beaumaris as to the necessity of inclosures, and said that large commons in remote districts—like that in his own county (Radnorshire), which embraced 28,000 acres—should be dealt with on a different footing from suburban commons of 100 or 200 acres. These large commons led to constant feuds and bad blood, to sheep stealing; while, in his own part of the country, one of the chief reasons given for the spread of foot-and-mouth disease was the indiscriminate feeding of sheep on commonable lands.

LORD EDMOND FITZMAURICE supported the Amendment. He asserted that mountain pastures such as were referred to by the two last speakers were exceptional cases, and might with advantage be dealt with by Private Bills. He would also observe that sections of the Act other than that under discussion would give the Commissioners ample power to deal with any quarrels that might arise as to common rights in the case of regulated pastures.

MR. NEVILLE-GRENVILLE said, he was glad to hear some common sense

on the subject after the poetical talk to which they had listened from some hon. Members. These wastes in remote districts ought to be inclosed, for in their present state they simply encouraged a race of "squatters," a most miserable class of neighbours, and the lands undrained and uncared-for were a source of disease. He thought it would be advisable to separate the regulation from the inclosure clauses in the Bill.

MR. HOPWOOD supported the Amendment of the right hon. Member for South Hants. Whatever might be the case in the remote healthy districts to which hon. Members had referred, he hoped the Government would take care that in the Home and Southern counties the small open spaces in the neighbourhood of large populations would be preserved for public recreation.

SIR WALTER BARTTELOT based his opposition to the Amendment on the argument that it would neither be possible nor politic to make a law that should apply to all commons. He was disposed to allow commons to remain open where they would be for the benefit of the district, but held that it was monstrous to lay down the proposition that no commons whatever should be inclosed, as many inclosures would be for the benefit of the country. He wished to see each question as it arose dealt with on its merits. He would like to ask the right hon. Gentleman who moved the Amendment who was to pay for the expense of regulating those commons under the Bill. Was the cost to be borne by the lords of the manor or the commoners? In either case he believed it would be difficult to work the Act. Much of what had fallen from hon. Gentlemen opposite was nothing but "wild talk," and he challenged them to point out in what possible way the poor man would be deprived of any right that he possessed at the present moment.

MR. BRISTOWE said, he could not agree in the views expressed by the hon. and gallant Baronet in opposition to the Amendment. He did not understand it as going to the extent of prohibiting inclosures altogether. He was of opinion that the Bill did not sufficiently provide for the interests of those who, perhaps, could not claim to have rights in the strictly legal sense, but

who had undoubtedly exercised the privilege of enjoyment over commons for centuries. The object of the Amendment was to impress on the Committee that the Act of 1845, which might have been at the time considered satisfactory, inasmuch as it gave power to bring portions of the commons into cultivation for the increased production of food and the increased employment of labour, was now no longer required as the objects which that Act had in view, had been sufficiently attained. Looking at all the circumstances, he approved of the Amendment, and should give his vote in support of it.

MR. BERESFORD HOPE pointed out the error of supposing that it was commonly the interest of the lord of the manor to inclose, and that of the commoners to keep the commons open. He thought there would have been a great deal more to say for the Amendment if it had prohibited all inclosures whatsoever. That might have been impossible, but it would at least have made the proposal a consistent one. He would urge his right hon. Friend opposite not to press the Amendment to a division; for, as he understood the drift of it, it would not prevent illegal inclosures while it would take away that control over possible inclosures which might be given under the remaining clauses of the Bill by shutting the door on all but high-handed proceedings.

SIR CHARLES W. DILKE said, as he understood his right hon. Friend the Mover of the Amendment, he said—"You have suspended the inclosure of commons for the last six years, and you now come forward with a scheme which you call a Bill for the regulation of commons, which would give you a power to inclose." But legislation for the future must be guided by the experience of the past, in which several objectionable inclosures had been proposed by the Commissioners, and he contended that admitted abuses could be got rid of by regulation without inclosure. They were asked who were to pay the expenses of those proposals. Let the right hon. Gentleman who had charge of the Bill answer that. He had received a number of letters from gentlemen on this subject, and amongst them from rectors of parishes, expressing their disapproval of the scheme for inclosing the commons and taking them from the people. With

the object and spirit of those letters he entirely agreed, seeing that some of the commons scheduled in the last Report of the Commissioners were the most beautiful commons in England. He would be glad to know to what commons the Bill would apply.

MR. ASSHETON CROSS said, that the Bill would apply to commons of a different character from those of Wisden and Withycombe, which the Commissioners had proposed to inclose, but whose schemes the House refused to sanction. For his own part, he had never attempted to pass any one of such schemes through Parliament. He could not accept the Amendment, and trusted the right hon. Gentleman opposite (Mr. Cowper-Temple) would not press it to a division.

MR. COWPER-TEMPLE said, the alternative of inclosure or regulation did not give the latter fair play. More money could be made by individuals out of a common by making it saleable private property than by improving it as joint property. But the public interest was not promoted by inclosure. The Bill would work better for the welfare of the nation if his Amendment were carried, and therefore he would divide the House.

LORD HENRY SCOTT opposed the Amendment, urging that if the Bill were confined to the mere regulating provisions, they would be thrown back, as regarded inclosures, upon the Act of 1845, which it was most desirable to amend in the way proposed by the Government.

MR. FAWCETT contended that the argument of the Home Secretary, that if they accepted the Amendment it would very much increase the temptation to inclose commons without the intervention of Parliament, had no foundation. He did not see how the Amendment could be rejected consistently with the observations of the right hon. Gentleman. The admirable regulating scheme proposed by him would be rendered nugatory, if it were accompanied by provisions for inclosure. In answer to the assertion that the existence of commons encouraged a lawless set of persons to squat upon or near them, he would refer to the evidence given before the Select Committee of last Session in relation to the New Forest, which showed that the existence of that large

tract of uninclosed ground had tended to foster the settlement on its borders of a honest and independent class of people. In reply to the challenge which had been thrown out to him to state what the right of the public was in regard to the Sussex commons, he said as one of the landless public he enjoyed the right and privilege of wandering over all the commons which existed in the Kingdom. But the moment the commons were inclosed every rood of this public land was converted into private property.

Question put.

The Committee *divided*:—Ayes 203; Noes 66: Majority 137.

On the Motion of Mr. WHITWELL, Amendment made in page 2, line 32, by inserting after "commons," the words "or parts of a common."

MR. FAWCETT moved as an Amendment, in page 3, line 6, to insert the following words after "effect:"—"unless they are of opinion that such application will be for the benefit of the neighbourhood."

MR. ASSHETON CROSS said, he had no objection to the principle of this Amendment, only it came in the wrong place.

MR. FAWCETT said, under those circumstances, he would withdraw it.

Amendment, by leave, *withdrawn*.

MR. SHAW LEFEVRE moved an Amendment, to the effect that while application might be made by two-thirds of the commoners for inclosure, one-third of the commoners might apply for regulation.

MR. ASSHETON CROSS objected to the Amendment.

Amendment *negatived*.

MR. SHAW LEFEVRE said, that the House having decided that inclosures were to take place, he was anxious that they should not take place in any other way outside the present measure. He would therefore move as an Amendment, in page 3, line 9, after "order," to insert the following words:—

"From and after the passing of this Act any inclosure of a Common, Town Green, or Village Green existing at the time of the passing of this Act, or of any part thereof, shall be unlawful, unless sanctioned by Parliament under the provisions of this Act."

He must remind the House that during the last few years numerous attempts had been made to inclose commons under the pretended sanction of the Statute of Merton or otherwise. Lords of manors had arbitrarily seized commons, trusting that no one would undertake the vast cost of proceedings in Chancery to resist them. Fortunately, in every case public spirited persons had been found who had undertaken the task of resisting these inclosures, and a series of suits had been promoted, which culminated in the great Epping Forest suit. If every one of these cases the Courts of Law had decided that the inclosures were illegal. It might, therefore, be confidently stated that, although theoretically, a lord of the manor could inclose with the consent of the commoners, yet that practically it was impossible for him to obtain this consent, and that all inclosures were illegal which had not been sanctioned by Parliament. This was in conformity with the views of all lawyers for centuries, for if not, why was it that so many thousand private Inclosure Acts had been applied for and passed by Parliament, and why was a general Inclosure Act necessary? If an inclosure took place with the consent of Parliament, the interests of the public were considered, and the claims of the labouring poor for garden allotments were provided for; but if inclosure took place without Parliamentary sanction, no such consideration was given either to the public or to the labouring poor. If there was any ground for believing that these inclosures were legal, he would not ask for such a remedy; but the experience of the last 10 years had conclusively shown that all such inclosures were illegal, and that it was only necessary to institute a suit in the name of a commoner, though at a vast cost, in order to abate them. It might be said, why not, then, trust to the remedies already provided by the Courts of Law? The answer was that the prize at stake was so valuable that it was worth while to a lord of a manor arbitrarily to inclose or to run the risk of being opposed in the Courts of Law; on the other hand, the commoner was called upon to defend, at a vast expense, a right of common of little or no pecuniary value to him, where success only resulted in leaving things as they were in preserving the common from inclo-

sure, and in maintaining a right of turbary, the value of which consisted in its being the means of keeping the common open. It appeared to him that these cases of arbitrary inclosure had become a great scandal. They amounted to land robberies on a great scale, and they ought to be put down in the interest not only of the public, but of morality.

Amendment proposed,

In page 3, line 9, after the word "order," to insert the words "From and after the passing of this Act any inclosure of a Common, Town Green, or Village Green, or of any part thereof, shall be unlawful, unless sanctioned by Parliament under the provisions of this Act."—(*Mr. Shaw Lefevre.*)

MR. SANDFORD opposed the Amendment, on the ground that it would interfere with the rights of property by not only prohibiting lords of manors from inclosing commons under the provision of the Statute of Merton, but also denying them the power so to do even though the whole of the commoners consented. What was complained of was the practice which some lords of manors pursued of filching pieces of commons, inclosing them, and taking the chance of commoners instituting Chancery suits to upset illegal proceedings of the kind. The fault of the Bill was that it offered no opposition to such cases, and he would on the Report bring up a clause to deal with them.

MR. ASSHETON CROSS opposed the Amendment, remarking that it would involve an interference with the rights of property, against which the House had already decided by an overwhelming majority on the early stage of the Bill. The principle the Bill went upon was that they should not take away rights without giving compensation, and he must endeavour to confine the measure to giving power to acquire rights by paying for them. The Bill already provided against illegal inclosures; but if his hon. Friend the Member for Maldon thought he could improve upon the proposal contained in the Bill, his suggestions should receive careful attention.

LORD EDMOND FITZMAURICE denied that the Amendment was an attack on the rights of property, and maintained that it was necessary to prevent lords of manors and commoners, in con-

Mr. Shaw Lefevre

cert or separately, from filching hundreds of acres from the commons, to the detriment of their poorer neighbours.

MR. LEEMAN said, that the Amendment would have an *ex post facto* operation. It applied to every "existing" inclosure, and under it every inclosure of a common since the time of Adam might be held to be bad.

MR. SHAW LEFEVRE did not think the words of the Amendment included past inclosures; it was certainly not intended that they should, and on no principle of construction could it be held that they had this interpretation. The words had been inserted with the object of limiting the application of the Amendment and not of extending it.

MR. GREGORY also was of opinion that the Amendment would have an *ex post facto* operation.

MR. WYKEHAM MARTIN thought it would be a pity for the Committee to go to a division on a false issue; and would, therefore suggest an Amendment of the proposed Amendment, to prevent the possibility of such a result, and to ensure something being done towards putting a stop to illegal enclosures.

SIR CHARLES W. DILKE moved to Amend the proposed Amendment by omitting the words "existing at the time of the passing of this Act."

MR. SHAW LEFEVRE said, he would consent to the omission of the words, though he could not admit they had the meaning imputed to them.

MR. ASSHETON CROSS thought it did not make the slightest difference whether the words were retained or omitted. What he said was, that they had no right to interfere with the rights of property. The proposed omission the Committee might accept without a word, and then they could negative the whole thing. He thought the omission, however, had better be negatived.

Amendment of said proposed Amendment *negatived*.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 82; Noes 206: Majority 124.

MR. PARNELL said, notwithstanding the result of the division, and recollecting that two hours of the valuable time of the House had been wasted the other night—"Oh, oh!" He said "Yes"

—two hours of their valuable time had been wasted the other night.—[*Renewed cries of "Oh!"*] He said "wasted."—[*Laughter, and loud cries of "Oh!"*] Notwithstanding that two hours of their valuable time had been "wasted" the other night by hon. Gentlemen on the Ministerial side of the House in opposing a Motion of the hon. Member for Hackney, and notwithstanding the interest taken in the measure, he would now move that the Chairman report Progress, and ask leave to sit again.

MR. ASSHETON CROSS hoped the Committee would consent to pass the clause under the discussion, as it had been thoroughly discussed. As soon as that had been done, and Clause 3, to which an Amendment had been proposed, had been disposed of, he would himself move that Progress be reported.

MR. SHAW LEFEVRE supported the appeal of the Home Secretary, as he considered his suggestion a very fair one.

Motion negatived.

Motion made, and Question put, "That Clause 2, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 252; Noes 9: Majority 243.

MR. ASSHETON CROSS moved that the Chairman report Progress, and ask leave to sit again.

MR. CALLAN rose to a point of Order. He wished deliberately to impugn the decision of the Chairman when the Motion to report Progress was previously made by the hon. Member for Meath (Mr. Parnell). The Chairman's ruling that the "Noes" had it had been distinctly challenged on the second and third occasions when the question was put, and yet no division was taken.

MR. NEVILLE-GRENVILLE said, that though he had listened attentively, he had not heard the Chairman's decision challenged.

MR. J. COWEN also held that there was no ground whatever for impugning the decision of the Chairman, who invariably presided over their proceedings with dignity and fairness, which he (Mr. Cowen) had never seen surpassed. Hon. Gentlemen near him wished to adjourn the House at an early hour—a desire with which he sympathized; but they should pursue their object openly, and

not by a course which had the appearance of factiousness, and which would never receive his support.

MR. PARNELL said, the hon. Member for Dundalk (Mr. Callan) was wrong in one point. He (Mr. Parnell) should not feel the least afraid of impugning the decision of the Chairman if he thought it was the wrong one; but on the present occasion he thought nobody was in fault but himself. He owned he had not been sufficiently attentive in challenging the Chairman's decision on the one or two occasions when he put the Question. He knew not whether the Chairman was right or not in his ruling; but there was a larger question involved—namely, as to the practice on the part of hon. Members who had not attended the discussion during the evening, but who came down to the House at a late hour and voted without knowing the merits of the question at issue.

MR. BENETT-STANFORD rose to Order, and asked whether the hon. Member was speaking to the Question?

THE CHAIRMAN said, the Question before the Committee was that he report Progress, and ask leave to sit again. After he had put that Motion the hon. Member for Dundalk challenged his decision on a previous question. He hoped he was not wrong in supposing that no hon. Member would impugn his conduct in the Chair, unless he thought he had some reason for doing so. The hon. Member for Dundalk (Mr. Callan) he was quite sure, would not have impugned his conduct in the Chair unless he had felt it his duty to do so. He (the Chairman) thought it was only respectful to the hon. Member for Meath and to the Committee to wait before giving any explanation of his decision until the hon. Member for Meath had an opportunity of responding to the appeal made to him by the hon. Member for Dundalk. He acted simply in conformity with the Rules of the House when he declared that the "Noes" had it. He was justified in doing so, because no voice had been heard in the affirmative. He trusted that the hon. Member for Dundalk and the Committee were satisfied with what he had done.

MR. CALLAN said, he had made the statement on the authority of the hon. Member for Meath, and on that impression he voted with him, although he would otherwise have voted against him.

Mr. J. Cowen

MR. PARNELL, who spoke amid considerable interruption, said, he considered he was perfectly in Order, the question being the propriety of proceeding with legislation at that late hour of the night; and that hon. Members who had not heard the discussion should leave their conscience at the disposal of the Whip and do as he directed them.

MR. MACDONALD said, he agreed with the hon. Member for Meath in principle, and characterized the conduct of the House as that which might be expected not from an Assembly of Gentlemen, but an assembly of coalporters. ["Oh, oh!"]

THE CHAIRMAN said, the hon. Gentleman the Member for Stafford must see on reflection that his observations were not respectful to the House. At the same time he would point out to the Committee that the hon. Member for Meath (Mr. Parnell) was entitled to a fair hearing.

MR. MACDONALD withdrew the observation he had just made, but considered the business of the House should be concluded at 12 o'clock. He and other Members had made up their minds that they would make use of every means which the Forms of the House allowed to put a stop to these late sittings. They had shut up places of amusement, and when the House rose the only stray persons to be found in the streets were the Members of the House of Commons.

MR. ASSHETON CROSS regretted the interruption of Public Business, but, considering it was now 1 o'clock, he would not oppose the Motion for reporting Progress.

Motion agreed to.

House resumed.

Committee report Progress; to sit again upon Thursday.

STEAMSHIP "TALISMAN."

Order for resuming Adjourned Debate thereupon [21st March] this day read, and *discharged*.

BANKERS' BOOKS EVIDENCE BILL.

On Motion of Sir JOHN LUBBOCK, Bill to amend the Law with reference to Bankers' Books Evidence, *ordered* to be brought in by Sir JOHN LUBBOCK, Mr. BACKHOUSE, Mr. SAMPSON LLOYD, and Mr. WATKIN WILLIAMS.

Bill presented, and read the first time. [Bill 171.]

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

*Tuesday, 30th May, 1876.*MINUTES.]—PUBLIC BILLS—*First Reading*—

Elementary Education Provisional Order Confirmation (London)* (100); Elementary Education Provisional Orders Confirmation Hailsham, &c.)* (101); Coroners (Dublin)* (102); Kingstown Harbour* (103).

Second Reading—Salmon Fisheries* (72).

Second Reading—Committee negatived—*Third Reading*—Customs and Inland Revenue*; Consolidated Fund (£11,000,000)*.

Select Committee—Union of Benefices* (64), The Lord Ross added.

Committee—Report—Treasury Solicitor* (76).

Report—Gas and Water Orders Confirmation (Chapel-en-le-Frith, &c.)* (59).

GRAND JURIES (IRELAND).

RESOLUTIONS.

THE EARL OF DONOUGHMORE: My Lords, in bringing forward the Motion of which I have given Notice, I shall endeavour to spare your Lordships any details which are not necessary to the proper explanation of the subject in hand; but must ask to be excused if, in doing so, I trespass at greater length upon your Lordships' time than I have hitherto done. In reminding your Lordships that in the Acts to which it refers is contained the entire machinery by which county taxation in Ireland is kept in motion, I shall have said, I hope, enough to secure your Lordships' attention, while endeavouring to lay before you the objections that may be taken to the constitution of those bodies which originate and carry out county works in Ireland, and some further points in which the present system has been deemed to fall short. I have ventured to come forward, as I am convinced that any discussion which may arise in your Lordships' House on this question, cannot fail to be most profitable, and to elicit valuable opinions on what appears to me a very necessary measure of reform. My Lords, although there is some difference of opinion as to what its extent should be, still we may say that the desirability of some reform in the Grand Jury Laws is recognized by all parties in Ireland. Already this Session three Bills dealing with the question have been introduced by different Members of the House of Commons; and as far as my own experience goes, and from information that

has reached me from various quarters I believe any wisely-conceived changes would meet with general satisfaction. But before stating my own humble views, I will, with your Lordships' permission, say a very few words as to substitutions that have been proposed for the present working system. A great deal has been said outside this House about sweeping away the Grand Jury altogether, and recasting the entire machinery. Now, my Lords, I have searched with a good deal of care for any arguments *pro* and *con* which bear upon this point, and I have failed to discover that any sound reason has been advanced in support of a radical change. Very many charges have been brought against the Grand Jury, but not one of them has ever been proved—nay, the evidence we have at our command goes distinctly to disprove them. The Grand Jury was intended to be, and may be said to be, the representation of the landed proprietors of the county. It must be remembered they have no right to originate anything—with a few exceptions—only a right of control. As a matter of fact, those gentlemen summoned by the Sheriffs represent pretty fairly the landed proprietors, and their working has in almost all cases given satisfaction. Their administration has been pure and, on the whole, economical; and I do not believe you will find by any means, or in any form, whether in the form of County Boards or otherwise, a body of men who would so persistently set their faces against jobbing or anything of that sort as Irish Grand Juries do. The question was constantly asked by the late Lord Mayo and other Members of the Committee of 1868, and not a single witness, however averse to the present state of things, was able to bring forward an instance in which anything approaching jobbery or corruption could be imputed to Grand Juries. And again, my Lords, in retaining the Grand Jury, we retain at the same time that excellent function of control which they exercise in all matters which entail expenditure of the county cess. There is a feeling even among those who desire a complete change that control is necessary, and I find it in the Appendix to the Report of 1868, advocated by one witness in a form analogous to the Poor Law Commissioners. We have then, my Lords, a system in working order, the working of which has given satisfaction,

and one in which the controlling body represents that just and proper authority which the landed interest is entitled to exercise in county matters. I am sure that under these conditions your Lordships will agree it is a far wiser course to deal with the question as far as possible on the principle of leaving well alone, instead of making sweeping changes, and establishing a new order of things which would certainly take time in righting itself and becoming efficient, and, perhaps, might fail altogether. Having said so much in reference to this part of the subject, I have to draw your Lordships' attention to those changes which it might appear advisable to bring about in the summoning and elements of the Grand Jury. It is, I believe, the legal supposition that the Sheriff of a county, in forming the Grand Jury, should first summon for each barony, a freeholder of £50, or a leaseholder of £100, but in reality there is nothing in the law to compel him to do so. The words of the statute are—"duly qualified by law," and however far we go back, we shall find no satisfactory definition of this qualification. Again, at present, the Sheriff's duty is discharged by his merely placing one name from each barony on the panel. It is no business of his to see that that person attends—merely to summon him and no more. The name must appear, and that is all; so that in reality there is no proper qualification, and no security for the representation of all the baronies. The former objection would be easily met by laying down in any future legislation some distinct qualification, say of £50 freehold, or £200 leasehold, and the second by requiring the Sheriff, in forming his panel, not merely to place one name for each barony first on his list, but to call through the entire list of qualified persons in each barony, until such barony is represented, or the list exhausted, and then, and not till then, to proceed to complete his panel. The proposal is not a new one, it has already been before Parliament, and I believe the principle of the Bill in which it is contained has been recognized by Her Majesty's Government. My Lords, there is one point connected with the elements of the Grand Jury upon which I wish to say a word, and that is as to whether it is advisable to permit the eldest sons and agents of

qualified persons to act in their place. Now, my Lords, in particular cases the entire withdrawal of this permission would no doubt act very harshly. There is a constitutional objection, as your Lordships are aware, arising out of the duties of the Grand Jury in criminal cases, which precludes Peers from giving their services. Minors, of course, cannot, nor women, nor lunatics or idiots. In these cases there could, I would submit, be no possible objection to retaining the present state of things. But, in general, my Lords, I believe there is a very strong feeling, that these persons should not be permitted to serve on the Grand Jury. The position of agents, merely as managers and not owners of property, would seem to exclude them even under the present very uncertain qualification. Again, the knowledge that their agents may be summoned indiscriminately may tend in many cases to encourage absenteeism, of the evils of which, at one time at all events, we used to hear a great deal. I do not desire to bring any charge of this sort against any class or individual, and we, who live in the country, know well the interest which some of the Members of your Lordships' House and others take in their Irish properties; but, still, the present system may be fairly said to be open to that objection. It might be argued in favour of eldest sons that, as they will be one day called upon to perform those duties which are now in their father's hands, it would be of advantage to them to have the means of acquiring a knowledge of those duties; but we must bear in mind that it will be in every man's power to give his son a qualification if he thinks necessary, a step which would seem to be a very wise one, as it would give him not only a prospective, but an immediate interest or stake in the county. I hope, therefore, that in dealing with this matter hereafter, Her Majesty's Government will limit the right to be summoned to the agents of those disqualified by law, under which phrase the different classes I have enumerated would come. The change would give general satisfaction, and one great advantage would certainly arise from it, it would tend to make non-resident proprietors take a more direct and personal interest in county affairs. I now come to the Resolution which deals with the appointment of

The Earl of Donoughmore

committees, and as to their desirability I need not trouble your Lordships, only refer you to Section 14 of this Report, where the Committee have clearly stated their views; but as to the limits which should be put upon their jurisdiction I should like to say a word. In a Bill introduced by Lord Hartington some years ago, the powers of the proposed committees under his scheme were defined. The clauses in that Bill which I allude to seem to have been framed with a view of avoiding the danger which must attend the existence of these committees, if proper care is not taken in limiting their powers—that of their eventually usurping the functions of the Grand Jury; and I would suggest those clauses to Her Majesty's Government as a basis for future legislation; with this addition—that the committee should have a right of examining all accounts instead of those only of the cess collectors, and that it should be decidedly stated that it should have no power to deal summarily in any case, merely a right to report at the next Assizes. It should, I would suggest, be appointed by the Grand Jury out of their own body; and for this, among other reasons, that as one of the chief advantages we hope to derive from it is a greater sense of responsibility in county officers, the committee should consist of members of that body, to whom the responsibility is due. All I am suggesting to your Lordships is, that there should be some supervision in the interval from Assizes to Assizes. I have already indicated the danger into which the appointment of these committees may lead us; and I cannot help thinking that it would be more difficult to restrain them within proper limits, if they were formed out of those bodies with whom everything in the county originates. However, from whatever body they are taken I believe that with proper safeguards we should secure a very necessary element in county management, by establishing a body, the presence of which would be most useful in creating a more continuous sense of responsibility among county officers than it is possible should exist at present. My Lords, one argument that has been adduced in favour of sweeping away the present state of things is, that the Irish people have no control or authority over the expenditure of the

£1,300,000 that is yearly levied by way of county cess. Now even supposing this were the case, it is quite impossible that the fault should lie with the Grand Jury, for we all know very well that nearly 90 per cent of that expenditure is entirely beyond their control. But where reform is needed—and urgently needed—is in those bodies which are termed the presentment sessions. In fact, we may go further, and say that it is with these bodies we are bound to deal first, as with them really rests the control and authority over the expenditure. This Report tells your Lordships all the objections against them as they are—as to the mode of their formation—as to the irresponsibility, non-attendance, and causes of non-attendance of cess-payers, and the risk of their being swamped by an overwhelming majority of magistrates at sessions—so it will not be necessary for me to enter into them. If the right to sit at presentment sessions were accorded only to such magistrates as possessed a residential or property qualification in the barony—and their number were limited by the number of cess payers who had a right to attend—we should remove one of the great causes of apathy, the fear the associated cess payers entertain of having their opinions entirely overruled. But the great and most important object of all, is to secure that those cess payers should adequately and fairly represent those classes who pay the rates—and we have at our hands a system already in existence, which will enable us to fulfil those conditions. The Guardians of the Poor fairly represent the people for Poor Law purposes, and would do so equally for purposes of the administration of the county cess; and the great advantage of such an arrangement would be, that we should attain our object without any of the difficulties attending the creation of new constituencies, franchises, and territorial divisions. The Baronial courts being thus constituted it would follow as a matter of course that they should appoint their representatives at the county at large sessions, by electing them from among themselves. As to the question of boundaries, it is no doubt one which will require consideration to deal with it satisfactorily; but I believe a mode of dealing with it could be found by which electoral divisions could without much trouble be rendered coterminous with the

baronies. Most probably a Return exists—or at all events it could be procured, of those electoral divisions which are coterminous with baronies; and I feel confident we could find an already-established body in Ireland competent to deal with such as are not. I believe that if Her Majesty's Government laid their instructions on that authority, and directed them how to act in this matter, that by judicious pruning here, and adding on there, and the occasional suppression of an electoral division, the whole question of boundaries might be easily and quietly settled without any necessity of issuing a Commission, as was proposed by Lord Hartington's Bill of 1872. My Lords, I have now, I fear very imperfectly, touched upon those matters to which these Resolutions have reference; but before concluding I am anxious to ask your Lordships to consider one point, which I would submit should find a place in any measure of reform dealing with this question. I mean traverses. We may divide them into two classes—first, those of presentments on their merits, of contractors' applications for payments, and of presentments for damages; and, secondly, those of presentments for malicious injuries, and of disallowed applications. In the case of the former, the section is what I believe is called in law a mandatory section, the Judge being obliged to impanel a jury to try the case. In the second, it is within his discretion to do so or not. My Lords, it seems to me a matter for very serious consideration whether even the discretionary power to send a traverse to a petty jury should exist, although I cannot help feeling that, in the present state of juries in Ireland, it is one which Judges are not likely to exercise very widely; but still there may be, from a legal point of view, something to be said in its favour. In the other case, however, as it at present stands, the law may often have a very mischievous operation. Only the other day, in my own neighbourhood, a presentment for a bridge to connect two counties was passed by the two Grand Juries, fiated by the Judge at one Assizes and traversed at the other, on the two grounds of improper posting of notices and of utility. On the first, or technical ground, the decision was in the Judge's hands, but to try the second he

was bound to impanel a jury; in fact, to refer it from a higher to a lower tribunal. What was the result, my Lords? That this useful work, which for two years the most respectable cess-payers and gentry in the neighbourhood had been endeavouring to carry out, was quashed upon traverse at the instance of a few public-house keepers living on the approaches to an old and insecure existing bridge, who were afraid that traffic would be diverted from their doors. I merely mention this to show what may happen; the very possibility of which should not exist. Surely when a presentment has to pass through the various stages it does, there are plenty of means of judging of its utility, or the contrary. It would be quite fair, if there is any objection to doing away with their assistance in traverses altogether, to leave the impanelling of a jury in the hands of the Judge of Assize; and to give, at all events, a more satisfactory tribunal, by empowering him, if he thinks proper, to grant a special jury on the application of either party to a traverse. Such a change would be more especially of advantage in cases of compensation for malicious injury, where local circumstances and feelings are likely to carry weight, and we should run less risk of having proposals extinguished just as they are arriving at maturity, through the ignorance or venality of the final tribunal that may have to decide on their merits. My Lords, I have here one or two suggestions, coming mostly from gentlemen well acquainted with the practical working of Grand Jury Laws, which I hope will be deemed worthy of the attention of Her Majesty's Government. Under compensation for malicious injury there are many cases in which no remedy can be obtained—as, for instance, growing fruit-trees, fences, timber, boats, yachts. In a recent case it was decided that valuable animals in a menagerie did not come under the Act, nor do fox-coverts. You can get compensation if your fox-hounds are poisoned, but not if your coverts are burned down, and I cannot see the use of one without the other. It would be for consideration whether injury to "all classes of animate or inanimate property" should give a claim to compensation. Again, it has been suggested that some means should be devised for paying road contractors at earlier periods, as at present

they have a long time to wait for their money. In cases of payment for materials the actual value of the materials should be estimated, and not only surface damage. And with regard to the collection of the county cess, a practice held to be legal exists, to continue the rate as a charge on houses even while unoccupied, and if at any time a house should become occupied then to recover all arrears. This is not done in the case of the poor rate, and would certainly appear a hardship. There are other points of detail, but these are the most important, and I will not trouble your Lordships any further. With regard to the Resolutions, I submit them to your Lordships with a certain amount of confidence, as they have for their basis grounds which should recommend them to all parties in this House. They are based, as your Lordships will have seen, on the recommendations of the Committee of 1868, which was composed of hon. Gentlemen of different political views, on Mr. Kavanagh's Bill, of which the Chief Secretary has signified his approval, and upon Lord Hartington's Bill of 1872, which we may presume is satisfactory to noble Lords opposite. I believe legislation on these grounds would be welcomed in Ireland by the farmers' clubs, by the gentry, and by the cess-payers, and the subject seems one eminently fitted for the hand of a Conservative Government, being one connected with that internal and local reform which they acknowledged last year as their peculiar province. My Lords, I will therefore trouble you no longer. I have to apologize for detaining you at this length, but I feel a sincere hope that a consideration of the subject by your Lordships on the lines I have indicated may lead to the passing of a measure which will give us every prospect of finality, and which will render more perfect and economical the machinery for county taxation in Ireland. The noble Earl concluded by moving the following Resolutions:—

“(1) That no person should be summoned to serve on the grand jury of any county who is not possessed of a fixed property qualification in such county ;

“(2) That the grand jury should annually at the summer assizes appoint from amongst their body a committee to represent the grand jury for certain limited purposes ;

“(3) That the baronial presentment sessions should be composed of justices of the peace

qualified in respect of residence or property in such barony and of the poor law guardians elected to serve for the electoral divisions wholly or partly situate within such barony ;

“(4) That the county at large presentment sessions should be composed of persons elected by the several members composing the baronial presentment sessions in such county.”

THE DUKE OF RICHMOND AND GORDON said, that, on the part of Her Majesty's Government, he could only compliment the noble Earl on the clear and temperate manner in which he had dealt with so complicated a question as that of the county taxation of Ireland. No one, indeed, was better qualified to deal with this important subject as his noble Friend, for no noble Lord connected with Ireland took a more active part in the business of that country. The Irish Grand Jury system was so different from the Grand Jury system of England, that there was considerable difficulty in mastering the details of the Irish system. He agreed with his noble Friend that upon the whole the present system worked well—though he was far from saying that there was no room for improvement—and he was not sure that even after reform it would be found to be more pure and more economical than it was at present. He thought that they must all agree that the first Resolution of his noble Friend—that no person should be summoned upon the Grand Jury who had not a fixed property qualification—was one that must commend itself to their attention. Whilst, however, admitting that this would be right in theory, he was afraid that if it was attempted to be worked out in practice inconvenience and, in some cases, injustice would follow from the alteration. If such a qualification were insisted on there were parts of Ireland which would be deprived of all representation upon the Grand Jury. Again, lunatics and absentees whatever their fixed qualification could not sit upon the Grand Jury. As to the second Resolution, as to appointing a committee to represent the Grand Jury for certain limited purposes, he thought that a sufficient case had not been made out for alteration in that direction. The existence of the Grand Jury terminated with the Assizes ; and a body which had such a very limited existence could not very well appoint an active body to represent them during the whole year. Further, he could not say

what work this Committee would find to do even if it were appointed. One consequence of appointing the committee would be to reduce the Grand Jury itself, as regards matters of finance, to much the same position as their Lordships' House held in relation to the House of Commons in respect of Money Votes. Nor did he think that the appointment of such a committee would impose upon the officers of the county a sense of responsibility arising from the feeling that they were overlooked by the committee. Any officer who should be guilty of malpractices would now be liable to have his conduct brought under notice at the next Assizes, and this, he believed, was far more efficacious than anything that could arise from the Grand Jury delegating their powers to a smaller body. The two remaining Resolutions commended themselves very much more to his mind than the two previous ones. The present mode of electing members to serve the presentment sessions was not satisfactory, because there were not as many representatives of the cess-payers as it would be desirable to have, and the third proposition of his noble Friend was an improvement. He could not pledge the Government to bring in a Bill upon the subject this year, but he knew that the matter had occupied the attention of the Chief Secretary for Ireland; and two Gentlemen in the other House had brought in Bills upon the subject: the interest which was taken in the subject was further shown by the fact that two or three Committees had sat upon it within the last few years. He should be glad if the Chief Secretary should be in a position in a future Session to bring in a Bill to deal with the matter in a satisfactory manner.

LORD INCHQUIN concurred with his noble Friend who had brought forward the Resolutions (the Earl of Donoughmore) that on the whole the Irish Grand Jury system had worked well; and though, no doubt, there were anomalies in its working, he did not think it could be much mended by the action of Parliament. He regretted that his noble Friend had not moved in the matter by presenting a Bill, because he did not think that much could be done by the adoption of abstract Resolutions. There could be no objection to the committee of supervision suggested by his noble Friend, if such committee

were appointed only from one Assize to another; and he also thought there was no valid objection to Peers serving on Grand Juries so long as those bodies were only engaged in fiscal business and before they entered upon the discharge of criminal business. It appeared to him that in the selection of members to serve on the committee of supervision there was no good reason for confining the selection to members of the Grand Jury. Therefore, although he raised no decided objection to these Resolutions he should hold himself free, in case any Bill were introduced, to give it his support, although it might not be exactly in agreement with his noble Friend's proposal.

LORD WAVENEY concurred with the noble Lord who had just spoken that there was no valid objection to Peers discharging the fiscal duties of Grand Jurors. He desired to point out that the sheriffs had a large discretion, and exercised it considerably in the selection of Grand Jurors in Ireland. They would get rid of much of the difficulty which was now felt in that country if there was a fixed property qualification for Grand Jurors. He was convinced, however, that where the Irish Grand Jury system was carried out by a proper order of selection of the Grand Jurors, great attention was given to the business of the country, and, notwithstanding all that had been said against the present Grand Jury system, a very slight alteration was necessary to make it an excellent one. So far as regarded the public works of the county it was superior to that which prevailed in the counties of England. In many parts of England the roads and bridges were still in an unimproved condition, while in Ireland they were attended to by those of the Grand Jurors who resided in the baronies. Under the Grand Jury Act, Poor Law Guardians were to save money and economize on all occasions; while the functions of the associated cesspayers were to act in conjunction with the Grand Jurors and to decide what money should be expended on county works for the public good. He thanked the noble Earl (the Earl of Donoughmore) for bringing forward these Resolutions, but he thought the discussion had shown that the present system required very little or no alteration when it was administered fearlessly and honestly.

THE EARL OF BANDON said, he had known something of the Grand Jury system in Ireland for 30 years, and believed that the system worked well and honestly. It was often said that it did not comply with the principle that taxation and representation should go together; but it should be remembered that as regarded nine-tenths of the taxation the Grand Jury had merely a power of veto. The great evil in the present system was that they had not a permanent body to constantly look after all the works that had to be carried out.

THE EARL OF COURTOWN pointed out that of late years greater duties had been thrown upon the Grand Juries. They had now to manage the industrial and reformatory schools and other institutions, and the Grand Jury of the County Wexford had found it necessary to appoint a Committee to consider such matters, he therefore thought there might be abundant employment for such a Committee as was mentioned in the Resolutions.

THE LORD CHANCELLOR said, an objection had been taken to the Resolutions on the ground that it would have been better to have brought forward a Bill. But he did not think that the Resolutions were open to such an objection. They had all recently seen the result of an abstract Resolution in the other House. But if an attempt were made to embody a scheme of Grand Jury law in a Bill it would be found that nearly every one of the clauses would have to be originated in the other House of Parliament; whereas the opinion of their Lordships' House could be taken on these Resolutions, and by that proceeding public opinion would be matured in the country. He hoped that his noble Friend would be satisfied with the discussion which had taken place. His noble Friend had shown that he had fully considered the subject and mastered all the details of it. There might be some necessity for an alteration in the law—and all noble Lords who had spoken seemed to admit that some alterations were desirable—but, if any, it should take place in the lines pointed out by his noble Friend. He thought, however, that having drawn attention to the subject and elicited opinions, his noble Friend would not advance his cause by asking the House to divide on this occasion. This was a matter which deeply

engaged the attention of the Irish Government, and he might mention that there was now a Bill in the other House which dealt with a portion of the subject; therefore he hoped the Resolutions would not be pressed further.

THE EARL OF DONOUGHMORE said, that after what had fallen from the noble Duke and the noble and learned Lord on the Woolsack he would be satisfied with the result of the discussion and not divide the House on the present occasion.

Motion, by leave of the House, *withdrawn*.

FOREIGN DECORATIONS.—QUESTION. OBSERVATIONS.

LORD ORANMORE AND BROWNE, in asking the Secretary of State for Foreign Affairs Whether the same rules which prevented the acceptance by a British subject of orders or decorations from Foreign Sovereigns apply to the acceptance by British subjects of titles from Foreign Sovereigns; and, if those rules were held not to apply, whether there were any others that do; and, if there are none that apply, whether British subjects are free to accept titles from Foreign Sovereigns; and, if so, whether he does not deem it desirable that some rules should be made to protect the prerogative of the Crown as the sole fountain of honour in the United Kingdom?—said, these Questions arose out of the discussion in this House on Friday evening last; and he would wish rather to speak upon the subject with the higher authority of the noble Lord (Lord Houghton), who then brought forward the question, than his own. The Question on Friday last was whether decorations conferred by Foreign Sovereigns could be worn by British subjects residing in this country? and the noble Earl (Earl Granville) who had been Foreign Secretary when the noble Lord (Lord Houghton) brought the same subject forward in 1873, in answer, said, that there had been rules at all times in force to prevent British subjects, with a few exceptional cases, from accepting those decorations without the consent of the Crown; and he gave as an illustration the anecdotes of Queen Elizabeth, who declared that her dogs should wear no collars but her own; and of King George

III., who liked all his sheep to be marked with his own brand. The noble Earl the present Foreign Secretary (the Earl of Derby) on that occasion stated that he assented to all that had been previously said by the noble Earl (Earl Granville). Therefore the condition of things was this—that both the present and late Secretaries for Foreign Affairs had stated that the Crown was the only fountain of honour, and that it was contrary to the rules which prevailed in England that foreign decorations should be worn by English subjects. It followed that if foreign decorations were not to be accepted, it was far more important that foreign titles should not be accepted. It appeared, however, that if upon any great public occasion an English gentleman who had accepted such a title was invited to Court and received by that rank, he obtained the precedence of that rank. So that it came to this—that if a gentleman of great influence and position received a foreign title, a certain precedence was given to him, which became habitual, and he took a higher place than that accorded to him by his own Sovereign. That recognition seemed to him calculated to introduce confusion and perhaps contempt. Therefore it was that he desired to put his Question to the noble Earl.

THE EARL OF DERBY: In answer to the Question of the noble Lord, I can only say that no rules have been laid down as to English subjects receiving titles from Foreign Sovereigns. It rests entirely with the Crown whether the acceptance of such a title should be sanctioned or not. There are some cases where a Royal licence has been granted to enable British subjects bearing foreign titles to use them in this country. When no such licence has been granted the use of the titles would not be sanctioned or recognized at Court or in any official communications; nor, I presume, in any legal documents. With regard to the second point—whether British subjects are or are not free to accept and use titles from Foreign Sovereigns—the only answer I can give is that they incur no penalty by doing so. In point of fact, I do not believe that a man would incur any legal penalty if he called himself by a title to which he had no right, and which had not been conferred either by a British Sovereign or any other. It is a matter of which

the law takes no cognizance. With regard to the last point, I am not aware that any great inconvenience arises from the present state of the law on this subject, and I do not think that any new regulations are necessary. With reference to the case put by the noble Lord as to the acceptance of foreign titles not sanctioned by the Government of this country, but which cannot grow into use and give the bearer precedence on public occasions, I can only point out that this is a case which cannot occur, because precedence at the British Court is regulated by fixed and well-known rules. That is not a matter which is dealt with by the law of England, but which is regulated by custom and social convention, and I think we may leave it on the footing upon which it stands at present.

TURKEY—REPORTED DEPOSITION OF THE SULTAN.—QUESTION.

EARL DE LA WARR desired to ask the Foreign Secretary, Whether he was in a position to make any communication to the House with respect to the reported deposition of the Sultan?

THE EARL OF DERBY: I can only confirm the truth of the statement which has appeared in the newspapers of this evening. I have seen two telegrams, one of which is from Sir Henry Elliot, while the other was addressed to the Turkish Ambassador by his own Government. Both state the fact that the late Sultan has been dethroned, and that his nephew has succeeded to his throne. I am not in a position to give details, because I have not received any; but in both telegrams which I have seen it is stated that the revolution has been accomplished without disturbance of any kind.

ELEMENTARY EDUCATION PROVISIONAL ORDER CONFIRMATION (LONDON) BILL [H.L.] (NO. 100.) A Bill to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same: And

ELEMENTARY EDUCATION PROVISIONAL ORDERS CONFIRMATION (HAILSHAM, &C.) BILL [H.L.] (NO. 101.) A Bill to confirm certain Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for Hailsham, Ilchester, Ingham, Slaughtam,

Swansea United District, and Swansea Parish Higher and Lower, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same:

Were *presented* by The LORD PRESIDENT; read 1^a; and *referred* to the Examiners.

CUSTOMS AND INLAND REVENUE BILL.
CONSOLIDATED FUND (£11,000,000) BILL.

Read 2^a (according to order); Committees *negatived*: Then Standing Orders Nos. XXXVII. and XXXVIII. *considered* (according to order), and *dispensed with*: Bills read 3^a, and *passed*.

House adjourned at a quarter before Seven o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 30th May, 1876.

MINUTES.]—NEW MEMBER SWORN—William Gulding, esquire, for Cork City.

PUBLIC BILLS — *Ordered — First Reading*—Friendly Societies Act (1875) Amendment * [177]; Public Health (Ireland) * [178].

Committee—Report—Small Testate Estates (Scotland) (*re-comm.*) * [145]; Juries Procedure (Ireland) * [126].

EGYPT—THE SUEZ CANAL SHARES. QUESTION.

MR. BIGGAR asked Mr. Chancellor of the Exchequer, When he will lay upon the Table of the House details of Suez Canal Shares purchase, promised by him on an early day when the Bill authorising the borrowing of four million pounds sterling for payment was read a second time?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he proposed immediately after the Whitsuntide Recess to give Notice to introduce a Bill for dealing with the Suez Canal shares, and providing for the mode in which the accounts should be rendered.

ARMY—THE MILITIA BALLOT ACT. QUESTION.

GENERAL SHUTE asked the Secretary of State for War, Whether any measures have been taken regarding a revised Militia Ballot Act; and, if any, then

what progress has been made in giving effect to such measures in order to remedy the slow action of the present Act and its unequal pressure on the people? The hon. and gallant Gentleman explained that he did not mean to imply that there was any immediate necessity for a Militia Ballot. He only wished to know what would be done in case of a great national emergency.

MR. GATHORNE HARDY: In reply to my hon. and gallant Friend, I have to inform him that a draft Bill has been prepared, but no steps further have been taken in respect to it pending the Report of a Committee which is sitting upon the Militia at the present time.

ARMY—MOBILIZATION OF THE FORCES—THE ESTIMATES.

QUESTION.

GENERAL SHUTE asked the Secretary of State for War, Whether he would be good enough to give the House a supplemental statement of the details of the lump-sums scattered over the various Votes of the War Estimates to meet the cost of putting two Army Corps into the field this summer, adding such further particulars of probable expenditure as the arrangements for their mobilization would permit? of course not referring to contracts.

MR. GATHORNE HARDY: My hon. and gallant Friend says "not referring to contracts," but that is a considerable item in the matter. It will not be possible for me to give the details so fully as he requires. The whole sum that was taken in the Estimates, as I stated in moving them, was £40,700.

POST OFFICE—TELEGRAPHS—ORKNEY AND THE SHETLAND ISLANDS.

QUESTION.

MR. LAING asked the Postmaster General, What is the reason of the long delay in giving the county of Orkney and Shetland the long promised extension of the postal telegraph; and, whether he can state what steps the Government is taking, and how soon those islands will be relieved from the exceptional position of being the only considerable district of the United Kingdom which is deprived of the benefit of the postal telegraph?

MR. W. H. SMITH, in reply, said, that within the last 24 hours the Postmaster General had been informed that the Orkney and Shetland Telegraphs Company had, after long negotiations, resolved to accept the terms offered by him. An engineer would go down this week, and it was hoped that arrangements would be made by which the postal telegraphs would be extended to those Islands.

INLAND REVENUE—GAME LICENCES.
QUESTION.

SIR ALEXANDER GORDON asked Mr. Chancellor of the Exchequer, Whether he has taken steps to check the evasion of the Duty on Game Licences among persons in a certain station of life, brought to his notice by the Commissioners of Inland Revenue in their last Annual Report; and, whether he will take steps to protect, in future, the officers of Excise from the indignities and obstructions to which they are now subjected when performing their duty with respect to Game Licences, also brought to notice in the same Report.

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the officers of Inland Revenue did all in their power to check evasions of the duty on game licences, and when the offence was committed it was usually on private property. The paragraph in the Report of the Commissioners was inserted with the intention of enabling country gentlemen, magistrates, and others, to assist in carrying into effect the provisions of the law, which assistance, under such circumstances, they could render in a greater degree than the Inland Revenue officers.

JUDICATURE ACT, 1873—OFFICIAL
REFEREES.—QUESTION.

MR. CHARLES LEWIS asked Mr. Attorney General, Whether the Official Referees of the High Court of Justice have been appointed upon the understanding that they are or are not to be at liberty to carry on private practice at the Bar?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that in the absence of his hon. and learned Friend, he was enabled to inform the hon. Gentleman, on the authority of the Lord

Chancellor, that the Official Referees would not be allowed to carry on their private practice.

ENDOWED SCHOOLS — ASSISTANT
MASTERS.—QUESTION.

MR. KNATCHBULL - HUGESSEN asked the Secretary of State for the Home Department, Whether, when the control of the Endowed Schools was transferred in 1875 to the Charity Commissioners, they found that it "did not answer" to give the power of appeal against dismissal to assistant masters, and that they had therefore taken it away, excepting in the case of masters who had laid out large sums in boarding houses with consent of the authorities; and, whether it is true, as reported in the public journals, that the Charity Commissioners have recently approved a new scheme for the government of Felstead Grammar School, by which assistant masters dismissed by the head master are given an appeal to the governing body?

MR. ASSHETON CROSS was understood to say that the power of dismissing the Assistant Masters was vested in the Head Master, and that the Charity Commissioners had made no alteration in this respect.

ARMY — MOBILIZATION OF THE
FORCES—THE ARMY ESTIMATES.

QUESTION.

SIR ALEXANDER GORDON asked the Secretary of State for War, Whether he will give the House an opportunity for expressing its opinion, by a Vote, upon the propriety of adopting a measure involving so large an expenditure of public money as that which will be necessary to carry into effect the scheme called the "Mobilization of the Forces," which he laid before the House when moving the Army Estimates for the present year, and which has been published in the official Army List for general information?

MR. GATHORNE HARDY, in reply, said, he must take exception to the assertion that any great public expenditure would be necessary, as there was nothing of the kind. If the Army Corps were brought up to a war footing such might be the case, but nothing of the kind was intended. As the Mobilization

Scheme had been discussed in the House on several occasions, he did not think it necessary for him to adopt the course suggested by his hon. and gallant Friend. Moreover, the hon. and gallant Member for Galway (Captain Nolan) had given Notice of his intention to bring that subject under the discussion of the House, and his hon. and gallant Friend (Sir Alexander Gordon) could take part in that discussion.

CAPTAIN NOLAN: I give Notice that I shall ask the right hon. Gentleman whether he will give some assistance towards keeping a House on the day the Question is discussed?

THE PATENT OFFICE AND MUSEUM. QUESTION.

MR. SAMUELSON asked the Secretary to the Treasury, Whether it is true that a Committee of the Treasury has recently considered and reported on the Patent Office Museum; whether it is a recommendation of that Committee that all objects not patented, irrespective of their importance as illustrations of the progress of science and invention, shall be excluded from that Museum; whether he is aware that the collection of all patented inventions at Washington is stated by the American Commissioners of Patents to be of little or no service; whether, in the Loan Collection of Scientific Apparatus now exhibited at South Kensington there is any separation of patented from non-patented objects; and, whether such separation is not opposed to the Fourth Report of the Royal Commission on the Advancement of Science, which recommended the formation of a general collection of Physical and Mechanical Instruments under the authority of a Minister of State?

MR. W. H. SMITH: It is true that a Committee of the Treasury has recently considered and reported on the Patent Office, including the Patent Museum. Such inquiries and Reports are being constantly made, but they are confidential documents intended for the information of the Heads of Departments and the Government, and unless the Government lays them before Parliament it is a breach of official confidence to make the contents of them known, and largely interferes with their utility. It is a recommendation of the Committee that non-patented inventions should be ex-

cluded from the Museum, because the Museum is intended to be ancillary to the Patent Office Library, and both Museum and Library to be ancillary to the business purposes of the Patent Office, which is not an institution for the general promotion of science. The question of patented or non-patented objects has never been raised in forming the Loan Collection of Scientific Instruments and Apparatus at South Kensington. They have been admitted only on the recommendation of Scientific Committees of Sections.

JUDICATURE ACT, 1875—THE ELEVENTH SECTION.—QUESTION.

MR. MELDON asked the Secretary of State for the Home Department, Whether his attention has been called to the case of *Green v. Browning*, reported in "The Times" of the 29th instant, when an action was brought in the Queen's Bench Division of the High Court of Justice by a London tradesman against a person resident in Dublin for the price agreed on for the construction of a skating rink in Dublin; if it was the intention of the Eleventh Rule in the Schedule to "The Judicature Act, 1875," that there should be service out of the jurisdiction in such a case to bring parties resident in Scotland or Ireland to defend themselves in England; and, whether it is the intention of the Government to take any steps to have the said Eleventh Rule repealed or modified; and, if so, when may such repeal or modification be expected?

MR. ASSHETON CROSS, in reply, said, that the matter was under the consideration of the Lord Chancellor, who was consulting the Judges upon the matter to see whether something could not be done.

THE NATIONAL GALLERY—THE NEW BUILDINGS.—QUESTIONS.

MR. COWPER-TEMPLE asked the First Commissioner of Works, When the additions to the National Gallery will be finally completed and ready for use?

LORD HENRY LENNOX, in reply, said, he was happy to inform the right hon. Gentleman that the additions to the National Gallery were completed, and that the building would be handed over to the Board of Works before the end of the week. He might mention that any

Members of the House wishing to see the new buildings might do so on presenting their cards at the door.

MR. MONK wished to know when they would be open to the public?

LORD HENRY LENNOX said, that would rest with the Trustees of the National Gallery, who were now rearranging the pictures.

COUNTY PRISONS (IRELAND) LEGISLATION.—QUESTION.

MR. BRUEN asked the Chief Secretary for Ireland, When he proposes to introduce a measure dealing with County Prisons in Ireland?

SIR MICHAEL HICKS-BEACH: I had hoped, so far as it was dependent on myself, that this measure might have been introduced at the same time as the English Bill on the same subject, and that the two Bills would proceed *pari passu*; but, as the English Bill cannot be introduced before Thursday, and arrangements have been entered into between hon. Members for Ireland and myself that no Irish business shall be transacted until after the 12th of June, I fear I am obliged to postpone the introduction of the Bill until that date, but it shall be introduced as soon as possible afterwards.

TURKEY—THE EASTERN QUESTION—THE PAPERS.—QUESTION.

COLONEL MURE asked the Under Secretary of State for Foreign Affairs, If he is able to place upon the Table any further Correspondence between Her Majesty's Government and Foreign Powers on the Eastern Question?

MR. BOURKE: In answer to the Question of my hon. and gallant Friend I have to say that Her Majesty's Government are very anxious to lay upon the Table of the House any further Correspondence on the Eastern Question at the earliest possible moment that is consistent with the public interest; but at the present time they cannot think it would be expedient to lay such Correspondence before Parliament. Perhaps, as I have received several private Notices of Questions from hon. Members with respect to the news which has arrived in this country with regard to the Throne of Turkey, I may take this opportunity of stating that I have received a copy of

a telegram received by the Turkish Ambassador in London, and a telegram from Her Majesty's Ambassador at Constantinople, stating that the Sultan Abdul Aziz has been dethroned, and that his nephew and heir, Mohammed Murad, has succeeded to the Throne. No particulars have as yet reached Her Majesty's Government, except that there are no disturbances at Constantinople. We have also received intelligence from Salonica that the new Sultan was publicly proclaimed there this morning, and that the announcement was received with general approbation.

ARMY—MILITIA STAFF SERGEANTS—PENSIONS.—QUESTION.

MR. DEASE asked the Secretary of State for War, Whether any decision has been arrived at as to an increase in the rate of pensions to Militia staff sergeants who have never served in the regular Army; whether the rate of their pensions, which is limited to five pence a-day, was not granted so far back as 42 Geo. 3, c. 90; and, whether they will be placed on an equality in respect to pensions with the remaining portion of the permanent staff?

MR. GATHORNE HARDY, in reply, said, he could not give any further answer to the hon. Gentleman than that the subject had been referred to the Treasury, who were considering the matter.

ARMY—THE QUEEN'S COUNTY MILITIA REGIMENT.—QUESTION.

MR. DEASE asked the Secretary of State for War, Whether any advertisements were published in the local or other papers with regard to supplies for the Queen's County Militia Regiment during the forthcoming training; and, whether the District Commissary General was justified in withholding information from those who desired to send in tenders, and in ignoring their letters?

MR. GATHORNE HARDY: No advertisements were published in the local or other papers. The Commissary of Supplies, under the orders of the District Commissary General, called for tenders, as in former years, from those who had previously supplied the regiment in a satisfactory manner, and these tenders were submitted to the War Office on the

Lord Henry Lennox

30th of March, and sanctioned on the 4th April. After the transmission of the tenders to the War Office, a Mr. Mercier applied to the District Commissary General on the 3rd April for tenders, but was informed that a contract had been already entered into for supplies. Mr. Mercier wrote again on the 5th April stating that he had applied also last year, but unfortunately the application not having been registered was overlooked. He was, however, informed that care should be taken in future to send tenders to his address. I regret that in this case the regulations requiring tenders to be invited by public advertisement were not acted upon, and I have given instruction that they shall invariably be adhered to for the future, unless time does not admit, or the supplies are too trifling to make it worth while.

THE NEW FOREST—STONEYCROSS INCLOSURE.—QUESTION.

MR. COWPER-TEMPLE asked the Secretary to the Treasury, Whether he has obtained an opinion on the legality of the recent inclosure in the New Forest near Stoneycross; and, whether he considers that any of the rights of the Crown or of the commoners have been infringed?

MR. W. H. SMITH, in reply, said, it was the intention of the Government to take the opinion of the Law Officers on the question.

POOR LAW—OUT-DOOR RELIEF. QUESTION.

MR. BROWN asked the honourable Member for South Leicestershire, What are the precise terms of his Resolution with reference to this subject?

MR. PELL, in reply, said, that, as far as his mind was made up on the subject, the Resolution which he intended to move would be to the effect that it was desirable to check their regular distribution of outdoor relief, with a view to the gradual diminution of such an encouragement to pauperism and improvidence.

PARLIAMENT—THE DERBY DAY.

MR. DISRAELI: I believe I am acting in accordance with the general wish of the House when I move that the House, at its rising, do adjourn to Thursday next.

Motion made, and Question proposed, "That this House, at its rising this day, do adjourn until Thursday next."—*(Mr. Disraeli.)*

SIR WILFRID LAWSON said, the right hon. Gentleman had informed them that he believed his Motion was in accordance with the general wish of the House. He (Sir Wilfrid Lawson) would not dispute his words, but he was quite sure that, as there was a minority who would not approve of that Motion, they would be patiently heard. He had heard a good many debates that Session, and he had observed that the proper thing was for every Gentleman to declare that the subject on which he spoke was not a Party question. Perhaps the House would be surprised when he said that he considered this Motion to be a Party question. It was supported by the party of sentiment and it was opposed by the party of sense. Now, he said unfeignedly that he had a great respect for the party of sentiment, and he agreed with his hon. Friend the Member for Newcastle (Mr. Cowen), who, in a recent speech, said that without sentiment life would be a poor thing indeed. On this occasion the question for the House to decide was whether the sentiment was sufficiently strong and worthy of support to overcome the reasons which could be brought against the proposition of the right hon. Gentleman. That he ventured to say was just one of those Motions which ought not to be carried, or even proposed, against the feelings of a considerable and a respectable minority. In their Parliamentary and social life they always bowed to the decision of the majority; but there were occasions when it was foolish for the majority to push their opinions to such a length as to carry them out against the wishes of the minority. This was not a constitutional question, which some people believed it to be. This adjournment over the Derby was not quite 30 years old, and there had always been a considerable minority to express disapproval of the practice. He was happy to say that minority was increasing slowly, but steadily. In 1872 the minority amounted to 58; in 1874 to 69; in 1875 to 81; and if they went on at that rate they would some day have satisfaction, and upset the Motion. It was a bad precedent that this House should be called upon to adjourn in

honour of any particular sport. Just now horse-racing was the popular sport; but some day they might be called on to adjourn in honour of pigeon shooting. Not long ago a letter appeared in *The Times* from Admiral Rous, in which he said that, but for a strong sense of obedience to the law, he would go 200 miles any day to see a good cock-fight. And if cock-fighting were to be in popular estimation, who knew but that some day the House of Commons would be called upon to adjourn for a cock-fight? He was encouraged to ask some hon. Gentlemen opposite to vote on that Motion even against the Government; because he had seen how nine of them, headed by the hon. Baronet the Member for Mid-Kent (Sir William Dyke), voted on a question of adjournment against their Leader the other night, and he hoped they would do so again. He regretted they could not get the Movers of Motions like this to make speeches. The right hon. Gentleman made the Motion without comment, though he was quite sure he could have given the House an interesting speech if he were so minded. They watched the proceedings of the right hon. Gentleman even during the Recess with great interest, and they were glad to be told in all the papers that he had gone to refresh himself by attending the St. Leger Race, in Yorkshire, so that he was well qualified, even better than before, to speak on the subject of this racing question. He remembered that while going to attend that demonstration the right hon. Gentleman, while in a train, came into collision, unfortunately, at the station with another railway train. The papers told them how there was great excitement and alarm at the time, and how the right hon. Gentleman never raised his eyes from the newspaper he was reading. A very fine picture it must have been to see him there, amid the crash of carriages, the smashing of engines, and the shrieks of passengers, never even raising his eyes from *The Standard* newspaper he was reading. He heard the right hon. Gentleman say last year, in the debate on horses, that horse-racing was a very noble and inspiring pastime, and he had heard other distinguished men describe it as a noble, manly, and historical amusement. Now, he (Sir Wilfrid Lawson) denied that there was anything noble or exceptionally national about it.

Sir Wilfrid Lawson

It was not connected in any way with the well-being, credit, or position of the country. It was not, for instance, connected with the maintenance of Church and State. He, however, read that once when a Derby winner returned to its native village in the West of England, the church bells rang a "merry peal." That, however, was not enough to make it a national question, because, he could remember that, in Lancashire, after a contested election, when the Conservative candidate was returned, the church bells rang and flags waved from all the breweries. Racing was not a noble sport. It was entirely a money-making affair. It was the same as stock-jobbing—not a bit more respectable and no worse. The Sultan of Zanzibar, on the occasion of his visit to Ascot races, remarked that in his country their horses ran in a straight course, not for money, but for the sake of emulation and the glory of winning. From all he (the Sultan) observed and heard, however, he was under the decided conviction that many lacs of rupees must have passed from pocket to pocket at Ascot. If horse-racing was not a money-making piece of business to those engaged in it, how was it that not very long since there was a memorial presented from the owners and trainers of horses to the Jockey Club requesting them to take such steps as would prevent "touts" attending training grounds and giving information to the public? If they did not want to keep the whole thing dark for the purpose of putting money in their own pockets, why did not those who promoted horse-racing put forward full information to the public as to what horses stood the best chance of winning? Let there be meetings where there should be no stakes, and where horses would run with no other object and for no other purpose than to see which might win. He read last year in a paper not at all squeamish—*The Daily Telegraph*—on the morning of the Derby, that "It may also be true that Epsom Downs will contain this afternoon the grandest assemblage of blackguardism on the face of the earth." Then, in a few sentences lower down, it went on to say—there was no accounting for taste—"the sight is one of the prettiest in the world." He (Sir Wilfrid Lawson) had seen blackguardism enough on a small scale without going to see it on a large scale.

What would be thought of a Home Rule Parliament, if they could suppose such a thing, deciding to adjourn their sitting at the busiest period of the year because there was to be some horse-racing? What would be thought of a corporation or a school board if it acted in a like manner? Why, then, should they, the Imperial Parliament, give their sanction to such a proceeding? Last year somebody sent him a French newspaper after he had opposed the adjournment of the House over the Derby Day. It was stated that a revolutionary Member, "Sir Lawson," had so acted; and the journal in question then went on to say that if such a thing were proposed in the French Assembly as to adjourn for a race on a week day there would be a *charivari terrible*—whatever that might mean. The astonishment seemed to be that we should adjourn on a week day. In this country they adjourned for gambling on week days, and they kept their Sundays strictly for drinking. Do not let him be misunderstood. He was not objecting, and had no business to object, to anybody in his individual capacity going to the Derby and enjoying himself to his heart's content. Let those who wished go and welcome. But what he did object to was that this House should, in its national capacity, give its sanction to racing. He made a Motion last year, and a paragraph went the round of the newspapers, saying that "Sir Wilfrid Lawson was seen going to the Derby with a green veil on and a sporting coat." He would give £100 to any man who proved it; but there was no reason why he should not go. He could conceive it a duty to go, as it was, for instance, on the part of some members of the Press. *The Pall Mall Gazette* said the presence on the course of an assemblage of the first gentlemen in Europe would tend, if not to elevate the Derby from the sad condition into which it had fallen, at least to lend it some respectability, of which it stood so much in need. Charity, however, began at home; and he thought they had better make themselves respectable at home before they went to try and regenerate the Derby. The House of Commons was no missionary body, but a legislative Assembly. If any one took *The Pall Mall Gazette* view, and thought he could convert the black-legs of Epsom from the error of their

ways let him go, and he (Sir Wilfrid Lawson) wished him success in his mission. The advocates of the measure could not plead that they wanted a holiday; that would not do. They were going to break up for a week on Thursday; they were only just come back from Easter, and he was sure nobody was worked to death in that House. Besides, they must do some work to-morrow. There was the Bill of the hon. Member for Londonderry (Mr. Smyth), the principle of which had been sanctioned by the House, and which excited more interest in the country than any measure brought before it that Session. The Government, if they had the interests of the people at heart, might give facilities for that Bill to advance a stage of it to-morrow. The Home Rulers would come down and support it, for he was sure no Home Ruler would allow his face to be seen on the Epsom racecourse. There was another Bill down for to-morrow—the Colonial Marriages Bill. The hon. Member for the University of Cambridge (Mr. B. Hope) had a Notice down to oppose that Bill. They had often heard him with great pleasure on British marriages; would it not be a pleasure to come down to-morrow and hear him make a speech on colonial marriages? But, if that was not enough to keep hon. Members from voting for this measure, he hoped they would seriously consider whether it tended to the honour, the dignity, and credit of that House and to the estimation in which they were held out-of-doors. If they would but give the thing a moment's thought, they would see they were not so foolish in this opposition to the Motion of the Prime Minister; and he did hope on this occasion he should have a good following of Members from both sides of the House, who would protest by their votes against a proceeding which was somewhat inconvenient and slightly mischievous, which was altogether childish, and thoroughly contemptible.

MR. BROMLEY-DAVENPORT, in supporting the Motion for adjournment, said, he had been in the habit of going to the Derby for the last 20 years, and he intended to go to-morrow, in spite of the annual performance of the hon. Member for Carlisle. He wished the hon. Member for Southwark (Mr. Locke) had got up on this occasion, and administered to the opponents of adjourn-

ment the rebuke which he administered to them before, when Mr. Thomas Hughes brought forward a similar Amendment, and when he said that they treated the subject in a sanctimonious manner. He could not say that the hon. Member for Carlisle had done that; but he could not help thinking that public business might readily dispense with the hon. Member's annual remonstrance. People might say what they liked; the Derby was regarded as a general holiday, at least in the metropolis, and he did not see why an attempt should be made to prevent Members of the House from enjoying it. The hon. Member for Carlisle had a line of his own—a very useful line, no doubt—and he ought to remember the old proverb, "*Ne sutor ultra crepidam.*" Let him stick to temperance questions and not meddle with other matters. The hon. Member for Carlisle was supposed to have been at the Derby last year. He (Mr. Bromley-Davenport) did not say that he was; but it was a curious coincidence that while he was at Hyde Park Corner, late on the afternoon of "the Derby Day," he saw a carriage going past, in which was a gentleman in a very dusty condition, and very cheerful, who had a doll on his hat, and who bore a most marked resemblance to the hon. Member for Carlisle.

MR. ASSHETON, in opposing the Motion for adjournment, protested against the question being treated in a jocular manner. He thought it was a matter for serious consideration whether the House was justified in wasting a day for the sake of the Derby. Lord Palmerston was unable to give any better reason for such an adjournment as was now proposed than that the Derby might be said to be our Isthmian Games. It was said the officials of the House required a holiday; but as the House was about to adjourn for a week that argument did not apply. Another argument was that it was a good old custom to adjourn over Derby Day. Well, he denied that it was either good or old. When these adjournments over the Derby Day first took place the circumstances were different, as there was then not nearly so much business to transact, and a day could better be spared. Besides, those who owned the racehorses then consisted mainly of Peers and Members of the House of Commons, and

he questioned whether the same could be said generally of the owners of the horses which ran in the race now-a-days. No sound reason had been given for the adjournment over the Derby Day. Members who wished to do so could attend the Derby as well without the House adjourning as they could attend the shooting at Wimbledon or a regatta without the House adjourning. If the hon. Member divided the House he should certainly vote with him, although he was quite certain that he would not lead his supporters to victory.

MR. JOHN BRIGHT: I am only going to add one sentence to the discussion which has taken place. I think my hon. Friend the Member for Carlisle has a special right to ask the House to consider this question in the light in which he views it. He asks us annually to consider a Bill on another subject, and he is met constantly—I do not meet him with that argument at all; I have met him with another argument—but he is constantly met with the argument that it is an absurd idea to think of making people temperate by Act of Parliament. It is the common answer to his proposition. We have found out that we cannot prevent betting or gambling, which are attended with enormous evils, by any amount of legislation which this House in past years has agreed to; but this, at least, we may do—we may avoid offering an example. We may avoid giving the sanction of this Assembly—whose character is as high as that of any Assembly in the world—we may avoid giving its sanction to an employment and an amusement which, though it may be said to be innocent in itself, yet is the cause of enormous evil in almost every town in this country. Let any Member of the House just go in his mind to any considerable town; let him go to Birmingham, or Manchester, or Leeds, or Newcastle, and he will know at once that in those towns, and in almost all towns, there is a practice of speculating and gambling in connection with horse-racing—and especially with the race of to-morrow—which is productive of incalculable mischiefs throughout the country. I have no objection to a holiday—I am rather one of the idle Members of the House, and I have no objection to an idle day; but we are about to separate for a week, and the pretence of a holiday to-morrow cannot

Mr. Bromley-Davenport

therefore be offered in this case. What I object to is, that we should give our sanction as a legislative Assembly to these races. I agree with the hon. Member for Carlisle, and the hon. Member who has made observations most judicious and most creditable to himself from the other side of the House, that the character of the House would stand higher with the country, and wherever our debates and proceedings are read and heard of, if we were to abandon the custom which the right hon. Gentleman opposite proposes that we should follow; and I should be glad if the House would reject the Motion to-night; but if that should not be the result, I trust this may be the last time that it will be brought forward.

MR. R. POWER: The hon. Member for Carlisle (Sir Wilfrid Lawson) alluded several times to the Home Rulers. If we had an Irish Parliament, I will tell him what we would do; we would adjourn for every Derby, and if it was run twice a year we would adjourn twice a year. The hon. Member for Cork (Mr. Goulding) had arrived to-day in order to see the Derby to-morrow. The hon. Baronet objects to it because it is only 30 years old. Well, that is old enough for anything or anybody. The Amendment has become the perennial weed of a morbid imagination, inaccessible to reason and common sense. There has never been a Derby without a Derby dog, and some Members of this House seem to think there ought never to be a Derby without a Derby debate. I cannot understand the over-zeal for work which suddenly characterizes some of my hon. Friends. Hon. Members who oppose the adjournment always give different reasons. Some do not like to be suspected of sporting proclivities, others consider that, as legislators, they are fathers of the nation and should show no bad example to their sons, others have prejudice or ill-feeling towards the national sport, but I venture to say out of the 30 or 40 poor misguided men who will canter over the Lobby presently, there are not 10 who will not, by some accident, see the Derby to-morrow. I have been to every Derby for the last five years of my life that I have had the honour of a seat in this House; the first man I met on the course—aye, and in the betting ring—was an hon. and gal-

lant Friend of mine who the previous night was most energetic in opposing the adjournment of the House. When I said, "You are a consistent man!" "Oh," he said, "I voted on principle last night." Well, I suppose he came to the Derby on principle also, but then sporting men are not expected or required to act on principle. But whatever their faults may be, they have not the convenient principle which some hon. Members seem to appreciate. Scotch Members might be excused for not going to the Derby. They are naturally a cool-blood, anti-sporting, anti-amusing people, and some of them would not know a horse from a mule, but that any Irishman should join the anti-Derby party is "one of those things which no fellow can understand." As an Irish Member and Home Ruler, I would be ashamed of any countryman of mine, and would certainly cut his acquaintance, who aids in any way against the adjournment of the House. In conclusion, I have three reasons against the Amendment—first, I am fond of sport, and like to see a good horse with a good man on it; secondly, I think it is the duty of every good citizen to encourage a great, ancient, and national pastime; and, thirdly, I believe I shall meet more of my constituents at the Derby than anywhere else.

Question put.

The House divided:—Ayes 207; Noes 118: Majority 89.

ROYAL IRISH CONSTABULARY (MR. JOHN CROKER).—RESOLUTION.

MR. BRUEN rose to call attention to the case of Mr. John Croker, late Sub-Inspector in the Royal Irish Constabulary, and to move—

"That the punishment inflicted on him by reduction in rank in 1867 and subsequent dismissal from that force, for offences of which he declared himself to be innocent, without first affording him an opportunity of proving his innocence before an independent tribunal, was not just; and, in the opinion of this House, such an opportunity ought now to be given."

The circumstances under which Mr. Croker had been dismissed from the force were these:—When stationed in the town of Carlow, about the time in question, Mr. Croker experienced some difficulty in obtaining a house suitable for

his family. After a while a house fell vacant within the town of Carlow, although out of his district, but attached to it, and without which it could not be had, were seven acres of land. The rule of the Constabulary was that no sub-Inspector should take more than three acres of land; and as the house would not be let without the whole of the land attached to it, he determined to enter upon the occupation of the premises and to give the extra four acres to his son, who was then 21 years of age. As the house, although within a few yards of the barracks, was not in Mr. Croker's district, it was necessary that he should obtain the consent of the Inspector General to live there. He went to Dublin for that purpose, and as the Inspector General was very busy at the time he told the whole of the circumstances to the private Secretary, who, having communicated with the Inspector General, came out and told Mr. Croker that it was all right. He accordingly entered upon the occupation of the house. But a few months after, when he was absent on duty, an informer wrote to the Inspector General, Sir John Wood, that Mr. Croker held more land than he had a right to do under the Constabulary Regulations; and thereupon the Inspector General, without inquiry or asking any explanation from Mr. Croker, reduced him from a first-class to a third-class sub-Inspector, involving a loss of pay of £50 a-year, and removed him to a station in the North of Ireland, thus separating him from his family. Mr. Croker remonstrated against this arbitrary and despotic act; but his remonstrances were not attended to. The case was then brought before the late Lord Mayo, then Chief Secretary for Ireland, who, on the private report of the Inspector General, which Mr. Croker had never seen, confirmed the previous sentence. It appeared that on this occasion the Inspector General had suppressed more than half of the favourable records received by Mr. Croker during his years of service. This was a matter of some importance, because the whole course of promotion in the Constabulary service depended on the records for and against their character in the Constabulary Office. Mr. Croker had 14 records in his favour, but only six of these were submitted to Lord Mayo, while all the

unfavourable records against him were produced. Mr. Croker, smarting under a sense of injustice, wrote a letter to the Inspector General which the latter considered insubordinate towards himself, whereupon he dismissed Mr. Croker from the service altogether. The case was subsequently brought before Lord Mayo, in 1868, who entered fully into the matter and recommended Mr. Croker to the Treasury for a retiring allowance. It appeared, however, by the Treasury Regulations that a retiring allowance could not be granted unless upon a certificate of his commanding officer that he had served with fidelity and diligence. Sir John Wood, the Inspector General, had stated that if the Government thought fit to recommend Mr. Croker for a retiring allowance he would not oppose him, and the way he kept his word was to refuse to give the certificate. Since then Mr. Croker had never ceased to protest his innocence, and to claim that the retiring allowance, which the action of the Inspector General alone had prevented him from obtaining from the Treasury, should be given to him in some way or other. He (Mr. Bruen) confessed he could not imagine what answer could be given to the case which he had laid before the House. He understood the ground the Inspector General took was that Mr. Croker was a bad officer and unfit to be in the service; but in opposition to any statement of that nature Mr. Croker could refer to the numerous recognitions of his services both from his official superiors and public bodies during the 31 years he had been in the Constabulary, and the records in the Office were in the highest degree creditable. In 1837 there was an entry praising his promptitude and efficiency in arresting a man who was lying in ambush to shoot a landlord; in 1838, for pursuing alone two men who had shot a person on the highway just as Mr. Croker rode up, and capturing one, after an exciting chase; in 1843, from the Inspector General himself, in approval of his conduct and efficiency; and, in 1848, from the magistrates to a similar effect, during a period of seven years. He believed the charges against Mr. Croker would, when investigated, be found to be of a very trivial nature. The Government, he sincerely trusted, would cause an inquiry to be made into this

Mr. Bruen

case, so that the question of the guilt or innocence of Mr. Croker might be tried by a legal tribunal. He cared not what the tribunal was as long as it was impartial, and he left the choice of it to the Government. The hon. Gentleman concluded by moving his Resolution.

MR. MELDON seconded the Motion.

Motion made, and Question proposed,

"That the punishment inflicted on Mr. John Croker, late Sub-Inspector in the Royal Irish Constabulary, by reduction in rank in 1867 and subsequent dismissal from that force, for offences of which he declared himself to be innocent, without first affording him an opportunity of proving his innocence before an independent tribunal, was not just; and, in the opinion of the House, such opportunity ought now to be given."—(*Mr. Bruen*.)

MR. M'CARTHY DOWNING said, he had never heard of the name of that gentleman before, but it appeared to him that unless the Government had facts of an entirely different character to place before the House the Motion of the hon. Member for Carlow (*Mr. Bruen*) ought to be acceded to. It was a Motion which concerned the welfare and efficiency of a Force upon which the maintenance of good order in Ireland was largely dependent. This was not the only case by any means in which arbitrary proceedings had been instituted against members of the Constabulary without an opportunity of appeal being given; and unless an appeal were allowed to Parliament in such cases, they would be entirely denying justice to men who had as much a right to justice as any other of Her Majesty's subjects. Great dissatisfaction already existed in the Force, and the Government's assent to the Motion would tend greatly to allay it, without implying any distrust of the heads of the Constabulary.

SIR MICHAEL HICKS-BEACH said, he could not admit the existence of great dissatisfaction among the Irish Police Force, who, he believed, had the greatest confidence in the decisions of the Inspector General, which they knew would be reviewed by the Government when necessary. The course pursued was this—whenever any complaint was made against an officer of the Force it was always sent down to him with a request that he would answer it in writing, and if the matter were of sufficient importance a court of inquiry into it was held. The official Papers relating to

this case were very voluminous, but he had gone through them most carefully and had ascertained the following facts relating to Mr. Croker's career. Mr. Croker, who was a gentleman of good family, and had entered the Constabulary Force many years ago, was referred to as far back as March, 1854, by Sir Duncan Macgregor, who was then at the head of the Irish Constabulary, as an officer who would continue to be useless and troublesome wherever he was stationed. The same officer, again referring to Mr. Croker in 1858, said that no admonitions, however severe, would make him conform to the regulations of the Force and that he was an encumbrance to the establishment. In the same year Mr. Croker was again reported for neglect of duty: but another chance being given to him he was merely reduced to the bottom of the list of first-class sub-Inspectors. In 1863 Sir Henry Brownrigg wrote a memorandum of a similar character with reference to Mr. Croker's conduct and he was again reduced two steps. In 1865 a commission of inquiry was held upon him, and he was found guilty of keeping a number of racehorses and of being so greatly involved in debt that his creditors had seized his horses in satisfaction of their claims. That he (*Sir Michael Hicks-Beach*) considered a most serious offence. He was warned that such conduct would lead to his dismissal; but in 1867 he was again brought under the notice of the Inspector General, and charged with having disregarded the regulation which prohibited officers in the Constabulary from occupying more than four acres of land. The result was that he was reduced to the bottom of the list of second-class sub-Inspectors and again warned. In February, 1868, the Inspector General recommended Mr. Croker's dismissal in consequence of his insubordinate behaviour, in addition to a long list of previous offences, and the late Lord Mayo, after a careful inquiry into the case, concurred in that recommendation. A compassionate allowance was applied for, but was not granted, in consequence of the Inspector General not feeling himself justified in certifying that Mr. Croker had discharged his duties with diligence and fidelity, and he (*Sir Michael Hicks-Beach*) could not blame him for not doing so. It had been stated that Mr. G. A. Hamilton, the late

Permanent Secretary to the Treasury, was directed by the Treasury to inquire into this matter; but he (Sir Michael Hicks-Beach) could not find any official trace of such direction or of any Report by Mr. Hamilton on the subject to the Treasury. A document had been circulated among Members of the House purporting to be a copy of the Report of Mr. Hamilton to the Lords of the Treasury on Mr. Croker's case. He (Sir Michael Hicks-Beach) was bound to say that this appeared to him to be a very remarkable document. In the first place, it was not dated, nor, as far as he was aware, was any manuscript copy of it by Mr. Hamilton in existence. Its phraseology, though like that used in Mr. Croker's statements, was very unlike the language that would probably have appeared in a Report by an experienced official like Mr. Hamilton. In 1872 a Commission sat in Dublin on the general question of the Constabulary. Mr. Croker brought his case before them, but not conceiving themselves authorized to inquire into particular cases, they made no Report upon it. One of the Commissioners, however, the hon. and gallant Member for Longford (Major O'Reilly), had informed him that, having heard Mr. Croker's statements, the Commissioners were of opinion that he had no ground of complaint. Whether he ought to receive a compassionate allowance on the ground of his long services was another matter. He (Sir Michael Hicks-Beach) would do his best with the time at his disposal to look into the case, and no one would be more glad than himself, if consistently with the duty he owed to the public, he could advise the Government to grant a compassionate allowance to Mr. Croker.

MR. MELDON said, he considered that Mr. Croker had been most inconsiderately and harshly treated throughout. Even when the Lord Lieutenant had assented to the dismissal of Mr. Croker, he recommended that that officer should receive a retiring allowance from the Treasury. Sir John Wood, though he had previously promised that he would not oppose the grant of that retiring allowance, afterwards refused to sign the certificate upon which alone the Treasury were authorized to pay it. It was one of the most remarkable features in this case that so few records favourable to Mr. Croker had been found. A large

number had been suppressed of which he ought to have had the benefit when his case was submitted to the Lord Lieutenant. Then, with regard to the unfavourable records, it was to be observed that they dated from 1849, when the late Inspector General had a son in the force under Mr. Croker. The son left duty without leave and when the men were dying of cholera, and Mr. Croker felt it necessary to reprimand him. Ever after this Mr. Croker was subjected to the harshest treatment. He had himself read statements from parties who were ordered narrowly to watch Mr. Croker and to report him for the smallest irregularity. It was not fair to say that Lord Mayo had refused Mr. Croker's Petition—in fact, he recommended the case to the Treasury.

SIR MICHAEL HICKS-BEACH: No—he sanctioned his dismissal, but recommended him for a compassionate allowance.

MR. MELDON: He sanctioned his dismissal on the distinct statement of Sir John Wood that he had been recommended for a pension. In 1868 Mr. Hamilton was deputed to investigate the case. He made the Report to the Treasury which it was now said to be a forgery. If it was a forgery, it could easily be proved to be so. Had any appeal been made on that point to Sir John Wood? The Report circulated among Members as being the Report of Mr. Hamilton had been stigmatized by the Secretary for Ireland as a forgery. That was a most unfounded charge. Mr. Hamilton was dead—had he been alive the charge would never have been made. Moreover, they had a certified copy of a letter of Mr. Hamilton bearing witness to the excellence of Mr. Croker's character. With that before them what ground had they for declaring that Mr. Hamilton's Report in his favour was a forgery? What he asked for was inquiry. There were two questions to be inquired into: first, was the charge against Mr. Croker true, and, secondly, had the records favourable to Mr. Croker been suppressed? He denied that the charge was true; but it was only in case that it was that the other question would arise, for then the favourable records would come in in mitigation of punishment. He asked, was it consistent with the English spirit of fair play that a man who had given 31 years of his life to the

Sir Michael Hicks-Beach

public service should be allowed to fall into indigence? for that, he regretted to say, was what awaited Mr. Croker if no further steps were taken in this matter. The only offence committed by Mr. Croker was that he held more than three acres of land, and if there were any other offences they had been condoned.

CAPTAIN NOLAN said, he held in his hand the paper which the Chief Secretary for Ireland had insinuated was a forgery; but, if it were a forgery, nothing would be easier for the right hon. Gentleman than to prove it. Moreover, if it were a forgery, how was it that Mr. Croker had been recommended for a compassionate allowance?

SIR MICHAEL HICKS - BEACH said, he had guarded himself against saying that Mr. Hamilton's alleged Report was a forgery. All he had said was that the style of the document was extremely remarkable, and that there was no trace of it in the Department.

CAPTAIN NOLAN said, it was evident from the fact that the Chief Secretary proposed a compromise that he had his doubts in respect to what had been said in regard to the authority of the Report, for if it were a forgery he could not conceive how the right hon. Gentleman should take that course. There were other serious charges made in Mr. Croker's Petition. If there was any truth in the allegation that promotion had been given by the late head of the Constabulary in return for money lent by his subordinates, the Government ought to be most anxious for inquiry. On the contrary, if the statement were false, it was absolutely necessary for the honour of the Irish Constabulary that there should be some sort of investigation.

MR. PARNELL bore testimony to the zeal and efficiency of Mr. Croker during the time he was sub-Inspector in the county of Wicklow. On one occasion when there was a strike of the miners had it not been for him there would have been great bloodshed. He held in his hand a number of letters from men of the highest character, who described Mr. Croker as a man of honour and a gentleman.

MR. LYON PLAYFAIR said, he had known Mr. Hamilton, who was a gentleman and a scholar. He could not believe that the illiterate Report was his production. But this doubt was a

reason for inquiry. And as new facts of great importance had been made known in the discussion, in justice to Mr. Croker as well as in the interests of truth, a new inquiry was desirable.

MR. VERNER said, that his hon. Friend the Member for Carlow (Mr. Bruen) had no intention to throw any reflection upon Sir John Wood. He hoped that after what had come out in the course of the debate the Government would accede to the Motion.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, it was impossible for the Government to assent to the Resolution as it stood, inasmuch as it involved a Vote of Censure not only on Sir John Wood, a distinguished public servant, but also on the Government of the day. Since the Chief Secretary had spoken several matters had been brought before the House of which his right hon. Friend was not aware when he rose to address it. He had now to announce to the House that if the present Motion were withdrawn the Government would institute such an inquiry as would, he thought, be satisfactory to all parties. He wished to mention that his right hon. Friend had, before coming down to the House, made inquiry at the Treasury, and had been informed that there was no such letter or Report as had been referred to.

MR. BRUEN said, that under the circumstances he should, of course, withdraw the Motion. He wished, however, to mention that he himself sent the autograph letter of Mr. Hamilton to the right hon. Baronet.

SIR MICHAEL HICKS - BEACH said, he had no recollection of anything of the kind. Certainly, he should not have made the statement if he had not believed it to be true.

MR. CALLAN hoped the promised inquiry would extend to all the allegations contained in the memorial of Mr. Croker.

Motion, by leave, *withdrawn*.

THE ELECTORAL SYSTEM—BOROUGH AND COUNTY CONSTITUENCIES.

RESOLUTIONS.

MR. TREVELYAN, in rising to move the Resolutions of which he had given Notice—

Permanent Secretary to the Treasury, was directed by the Treasury to inquire into this matter; but he (Sir Michael Hicks-Beach) could not find any official trace of such direction or of any Report by Mr. Hamilton on the subject to the Treasury. A document had been circulated among Members of the House purporting to be a copy of the Report of Mr. Hamilton to the Lords of the Treasury on Mr. Croker's case. He (Sir Michael Hicks-Beach) was bound to say that this appeared to him to be a very remarkable document. In the first place, it was not dated, nor, as far as he was aware, was any manuscript copy of it by Mr. Hamilton in existence. Its phraseology, though like that used in Mr. Croker's statements, was very unlike the language that would probably have appeared in a Report by an experienced official like Mr. Hamilton. In 1872 a Commission sat in Dublin on the general question of the Constabulary. Mr. Croker brought his case before them, but not conceiving themselves authorized to inquire into particular cases, they made no Report upon it. One of the Commissioners, however, the hon. and gallant Member for Longford (Major O'Reilly), had informed him that, having heard Mr. Croker's statements, the Commissioners were of opinion that he had no ground of complaint. Whether he ought to receive a compassionate allowance on the ground of his long services was another matter. He (Sir Michael Hicks-Beach) would do his best with the time at his disposal to look into the case, and no one would be more glad than himself, if consistently with the duty he owed to the public, he could advise the Government to grant a compassionate allowance to Mr. Croker.

MR. MELDON said, he considered that Mr. Croker had been most inconsiderately and harshly treated throughout. Even when the Lord Lieutenant had assented to the dismissal of Mr. Croker, he recommended that that officer should receive a retiring allowance from the Treasury. Sir John Wood, though he had previously promised that he would not oppose the grant of that retiring allowance, afterwards refused to sign the certificate upon which alone the Treasury were authorized to pay it. It was one of the most remarkable features in this case that so few records favourable to Mr. Croker had been found. A large

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reason for inquiry. And as new facts of great importance had been made known in the discussion, in justice to Mr. Croker as well as in the interests of truth, a new inquiry was desirable.

MR. VERNER said, that his hon. Friend the Member for Carlow (Mr. Bruen) had no intention to throw any reflection upon Sir John Wood. He hoped that after what had come out in the course of the debate the Government would accede to the Motion.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, it was impossible for the Government to assent to the Resolution as it stood, inasmuch as it involved a Vote of Censure not only on Sir John Wood, a distinguished public servant, but also on the Government of the day. Since the Chief Secretary had spoken several matters had been brought before the House of which his right hon. Friend was not aware when he rose to address it. He had now to announce to the House that if the present Motion were withdrawn the Government would institute such an inquiry as would, he thought, be satisfactory to all parties. He wished to mention that his right hon. Friend had, before coming down to the House, made inquiry at the Treasury, and had been informed that there was no such letter or Report as had been referred to.

MR. BRUEN said, that under the circumstances he should, of course, withdraw the Motion. He wished, however, to mention that he himself sent the autograph letter of Mr. Hamilton to the right hon. Baronet.

SIR MICHAEL HICKS - BEACH said, he had no recollection of anything of the kind. Certainly, he should not have made the statement if he had not believed it to be true.

MR. CALLAN hoped the promised inquiry would extend to all the allegations contained in the memorial of Mr. Croker.

Motion, by leave, *withdrawn*.

THE ELECTORAL SYSTEM—BOROUGH AND COUNTY CONSTITUENCIES.

RESOLUTIONS.

MR. TREVELYAN, in rising to move the Resolutions of which he had given Notice—

course, I am very well aware that, as the debate proceeds, a new set of objections will crop up to meet the new contingency. Those hon. Gentlemen who in 1872 voted against the principle of Household Suffrage because it was asserted in an abstract Resolution, and who, in subsequent years, voted against it because it was embodied in a single-barreled Bill, will now have the pleasure of voting against it as an abstract Resolution again. But these subtle and delicate considerations will not have much effect upon the conduct of those, who having already recorded their votes against the continued exclusion of their fellow-countrymen from the pale of citizenship, are now ready to repeat that protest, even when it is coupled with a declaration that the existing distribution of political power among our constituencies might easily be altered for the better. We are not so passionately enamoured of the inequalities and anomalies of an electoral system, which, even after it has been twice altered, first by our fathers, and then by ourselves, is still by far the most inequitable and the most anomalous electoral system that anywhere exists. So glaring and so universal are its defects that it is difficult to say in which quarter of the United Kingdom they are the most apparent. In England, 800,000 electors, in the 26 largest cities return between them 73 Members; while exactly the same number of Members are returned by 70,000 electors scattered over 55 little towns or villages which are called towns only by courtesy. In Ireland 35,000 electors, in Dublin and Belfast, return only four Members; while 22,000 electors in other Irish towns return as many as 33 Members. In Wales the vote of an elector who happens to reside in Merthyr Tydvil has only one-tenth of the weight of the vote of an elector who happens to reside in Brecon. In Scotland, the vote of an elector who lives in Glasgow has only one-eighth of the weight of the vote of an elector who lives in New Galloway. We have taken nationalities as a whole. Let us take a single county. In Yorkshire 3,200 electors in Richmond, Thirsk, Northallerton, and Knaresborough return actually twice as many Members as the 32,000 electors of Sheffield; while Keighley, and Barnsley, and Batley, and Todmorden—towns whose population is equal to that of

half-a-dozen pocket constituencies, and whose wealth is equal to that of a dozen and a-half—are not thought worthy to appear in the rank of Parliamentary boroughs at all. We have taken a single county. Let us take two counties and compare them together. There are ten times as many people in Middlesex as in Wiltshire, but, instead of returning only one-tenth as many Members, Wiltshire returns 15 Members to the 19 of Middlesex. There are ten times as many people in the West Riding as in Dorsetshire, but the Members for the West Riding, instead of being as ten to one to the Members for Dorsetshire, are little more than two to one. Anyone who is familiar with the talk of our Lobbies knows that many hon. Gentlemen shrink from an extension of the county franchise because they are under the impression that the re-distribution of seats which would follow upon such a measure would take the direction of diminishing the political power of the towns, and increasing the political power of rural, and, as they think, less intelligent and progressive, districts. But an examination of our existing electoral arrangements will soon convince those hon. Gentlemen that they may spare their fears. The most ingenious manipulator of statistics is welcome to spend his ingenuity on our Parliamentary Returns as long and as often as he will, for, however he may turn and torture the figures that he will find in those Returns, he can arrive at only one result. Wherever there is a district which, taking the county and the borough seats together, is over-represented by the number of Members that it returns to Parliament, it will invariably be the case that such a district is one where, by comparison with other parts of this favoured island, trade is not the most active, education is not the most advanced, wages are not the highest, and capital is not increasing with any exceptional rapidity. On the other hand, whenever a district is greatly under-represented in proportion to its population, in such a district every symptom of commercial prosperity and social and intellectual progress will be found. Let me call the attention of hon. Gentlemen to one single item of calculation which, by itself, should be sufficient to re-assure those who apprehend that a fresh re-distribution scheme will be to the disadvantage of the intel-

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ligence and independence of our great national constituency. A re-arrangement of political power, strictly based upon population, would considerably more than double the number of Members now allotted to Middlesex, to Surrey, to Lancashire, and to the West Riding of Yorkshire. Where will you match that list? Not in any quarter of the civilized world is now, or ever has been, collected together so much industry, knowledge, and enterprize, or so much material wealth—the natural fruit of those qualities—as in the four districts which I have named. Continental countries have regarded with admiration many of our institutions, and have imitated them with eagerness, and sometimes with success. They are not very likely to imitate a system under which political power is distributed among the different sections of a nation exactly in inverse proportion to the share which those sections contribute towards making that nation prosperous at home and powerful abroad. What would a German statesman think of a proposal to give to the vote of a Pole or East Prussian four times the weight that he would give to the vote of a citizen of Cologne, and ten times the weight that he would give to the vote of a citizen of Berlin? What would an Italian say to the notion of favouring Calabria and Sicily in the proportion of five to one as compared with Lombardy and Piedmont, or a Spaniard to the notion that the most scantily represented places in the Peninsula should be Madrid, Barcelona, Seville, Valencia, and Cadiz? No, Sir, my motive in bringing forward the second of these two Resolutions, and of coupling it with that which precedes it, is to afford hon. Members an opportunity of proclaiming that they will not be deterred from extending civic rights to the excluded population of our counties, merely because the consequence of that extension may be that we shall be under the obligation of giving to Manchester and Liverpool, to Leeds and Glasgow, to Southwark and Westminster, to the wool districts of Yorkshire, the cotton districts of Lancashire, and the mining districts of Durham, something better than the mere shadow of representation with which they now are mocked; and that we shall not be frightened out of one act of justice because circumstances are such that it must neces-

sarily be accompanied by another. And now, Sir, having secured the ground in our rear by assuring those whose general sympathies are with us that we are prepared to treat electoral reform as a whole, and deal with it as it should be dealt with, by responsible public men, we may with renewed confidence face once more to the front, and challenge hon. Gentlemen opposite to bring forward a single valid argument which may convince those who ask for admission to the franchise that their claim, if it cannot be granted, has at the least been thoughtfully and respectfully considered. One argument which has some appearance of validity, and one only, has hitherto reached my ears. It is said that if we insist upon conferring the franchise on those who have not got it already, we shall give them something which has no tangible and material value, and which they are therefore just as well without. This argument has something about it so invidious—I had almost said so repulsive—that it is usually enveloped in a cloud of phrases which may render it a little less unattractive to an English ear. The shape in which it is usually put forward is something of this sort—We are told that the House of Commons is a practical Assembly, full of common-sense men, whose time is so taken up with useful matter-of-fact legislation that it has not the leisure to attend to a grievance which is not so much one of reality as of sentiment. Sir, it is for those who suffer under a grievance to define its nature, and not for those who obstinately refuse to redress it. It is all very well for us to be contented with the relations which at present exist between Parliament and the country. We have quite as much business as we can do. We have quite as many constituents as we want. We are, most of us, conscious that we are earnestly and laboriously striving to do our duty by the great body of our countrymen, and we honestly believe that we know quite as much about the feelings and opinions of the outside public as is required to guide our deliberations. But, Sir, we must remember that this is not the first Parliament that has taken too favourable a view of the extent to which it represents the country. No one can study the debates which preceded the passing of the great Reform Bill without being

persuaded that many of those who opposed reform were sincerely convinced that the Members for the old rotten boroughs thoroughly understood the interests and the wishes of the great unrepresented cities. No one can study the Reform debates of 1866 and 1867 without perceiving that there were many hon. Gentlemen who were sincerely convinced that the Representatives of the £10 householders thoroughly understood the interests and the wishes of the unfranchised mass of the town population. The illusion was honourable; but none the less was it an illusion; and I will venture to say that there are many borough Members in this House who will willingly confess that Household Suffrage has had an unexpected influence on their political conduct, and to a most unlooked-for extent has added to their political knowledge. And if we are obliged to make this confession, and to couple it with the natural and inevitable deduction that, if Household Suffrage were extended to the counties, we should learn a great deal that we did not know before, what do we think must be the aspect of the situation to those who view it by the light of a great wrong inflicted upon themselves? Who, standing outside the fence of political privilege, are doomed to hear their dearest interests discussed in an assembly in which they have neither part nor parcel, and their condition in this world, social, moral, and material, settled for them, without their once having the opportunity of expressing their own wishes in the matter? Why, what are the questions of this Session, and what portion of our population do they especially affect? Among the first measures which were submitted to us from the Treasury bench was a Bill relating to the preservation of commons. Now, Sir, for one piece of waste land which is valuable as a recreation ground of a neighbouring town or city, there are 20 which are important to the agricultural labourer as a playground for his children, and a pasture for his scanty live stock. And yet, in discussing the Commons Preservation Bill, we hear everything that has to be said by the Representatives of those whom it concerns but little; while those whom it concerns most have absolutely no Representatives at all. The most important matter which we shall have to decide this year is the extension

throughout the country of some form or another of obligatory education, and the process by which, and the authorities by whom, the obligation is to be enforced. But already the immense majority of our town population lives under a system of compulsory education. That problem, broadly speaking, is already settled as regards the towns; it is for the rural districts that we are now proceeding to legislate, and in the rural district not one in 100 of those whom our educational legislation will touch has the means, directly or indirectly, of making his voice audible within these walls. There is another matter which has not, indeed, been brought forward by the Government, but which has been debated so ably and so seriously, both here and in "another place," and has provoked such a large and evenly-balanced expression of Parliamentary opinion, that it cannot fairly be denied a rank among the questions of the day. The law under which burials are to be conducted in our churchyards is one which, however keenly it may be contested on the ground of abstract principle, as a practical matter concerns the smaller towns but little, and the larger towns not at all, but which gains its material importance from its bearing upon the sentiments of our rural population, and it is precisely those sentiments at which we can do nothing more than guess so long as the country householders are unrepresented here; and as it is in the present, so it has been in the past. Every succeeding Session places on the Statute Book a fresh crop of laws—well-meant, indeed, and often well devised—which regulate the lives of our rural population, but on the scope and the details of which in this country is called self-government, their opinion is never so much as asked for. One year, by our system of short enlistment, we entirely altered the conditions of our military service, without consulting the class from whom the recruiting agent draws the largest part, and the best part, of our rank and file. Another year we dealt, for good or for evil, with the licensing system of the country, without consulting the class from whom the village publican draws his customers, or his victims. Sanitary laws are passed for the prevention of the spread of infectious disease, which entail on the agricultural labourer trouble, and worry,

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and expense, but to the framing of which he has just as little to say as the cattle have to say to the Circulars on the foot-and-mouth disease which the Privy Council may judge fit to issue. Game laws, enclosure laws, vaccination laws, poor laws, registration laws—from the cradle to the grave, the rural householder lives under the dominion of enactments which are passed for him, and not by him, and in which, freeman as he is called, he has no part except to obey them. Surely it is high time that Parliament, recognizing those disadvantages in his position which I have feebly and briefly endeavoured to indicate, should, by giving its adhesion to these Resolutions, hold forth to him at least a pledge that, at the first convenient opportunity, he shall be raised to the same political level as the peasantry of France, of Germany, of Switzerland, of the United States—of every nation, in short, which can for a moment compete with his own in the race of enlightenment and civilization. Sir, it has been said that there is no demand for this measure; but I shall leave that allegation to be answered by those hon. Gentlemen who were present at the meeting at Exeter Hall on Wednesday last, and at the Conference which preceded it. Never, I will venture to say, has there been a demonstration in favour of any public object which, in one sense, so merited the respectful notice of the Legislature; for never perhaps before was so large a body of men collected together at such cost and inconvenience to themselves. When we remember how slender are the finances of a cottager in a rural village, even when they have been eked out by the sixpences and shillings of the neighbours of his class whom he has been chosen to represent, I think that we shall allow that this assemblage of agricultural labourers, who have travelled at their own charges from Dorsetshire, Cheshire, and Lincolnshire, deserves at least as much consideration as those troops of well-to-do gentlemen in broad cloth, who flock up to London for public business on the eve of the Derby day. It is a very hard thing that we should force these poor men to leave their work, which is not overpaid to that degree as to give them much margin for political leisure, in order that Session after Session and Parliament after Parliament they may hang about our lobbies and haunt our galle-

ries, pressing us to grant them a demand, the intrinsic justice of which none of us disputes. The peasantry of this country have not the time or the taste for being members of these annual deputations. Their object is to have a permanent deputation, which may watch their interests and speak their mind at Westminster, in old constitutional shape of county Members, whom they have had their share in sending to Parliament. That is what they want. That is what they have a right to get; and I am sure that, whoever may think fit to refuse them this boon on the ground that there is no call for it, such a response will never be heard from the Members of that great Party, whose historical policy it has been to anticipate the demands of justice, and to grant, in obedience to reason and equity, concessions which must sooner or later be yielded to political expediency and political pressure. On the 4th of March, in the year 1790, it was proposed to amend the representation by a scheme, the essential part of which consisted in extending the franchise to the resident householders of the counties; and on that occasion Mr. Fox pronounced that "he thought the outline of the present proposition the best of all which he had yet heard suggested." Such, nearly three generations ago, was the view of that great statesman, the father of modern English Liberalism; and we, on this side of the House, may feel confident that by assenting to the Resolutions before us, we shall be faithful to the interests of our country, and true to the tradition of our Party. The hon. Gentleman concluded by moving the first of the Resolutions.

MR. FAWCETT, in seconding the Motion, observed, that it would not be well for its supporters to underrate the difficulties with which they had to contend, or the obstacles they had to surmount. It might be that his hon. Friend had added to those difficulties by associating with the proposal for an extension of the franchise the proposal for a redistribution of political power; but, in doing so, he could not but think that his hon. Friend had acted with great judgment. Heretofore, an abstract Resolution or a Bill in reference to the extension of the suffrage had been invariably met with one argument to the effect that that subject could not be considered separately from the subject of a re-

distribution of seats. That argument had been used last year by the Prime Minister. It had also been urged by the noble Lord the Leader of the Opposition, and the opinion expressed by the noble Lord was shared by many hon. Members on that side of the House. The two questions should be considered together, because if they extended the suffrage simply they would increase the anomalies and inequalities of the electoral system; they would add to the existing inadequacy of county representation, and, in the case of populous towns not separately represented, they would more and more swamp the rural element by urban votes. In 1867 there was a small movement towards re-distribution, and it was then said that a larger measure in that direction would be taken up afterwards; but, notwithstanding, nothing more was ever heard of it until there began to be a talk of a further extension of the suffrage. It was injustice more keenly felt when a man had no vote because he lived on one side of an artificial boundary, whilst his friend who lived on the other had a vote; there was the injustice of a vote having only one-tenth the force that another vote in a smaller borough had. It might be asked why they were not content to do one thing at a time, and the answer was, that even if they secured an extension of the franchise in the first instance, they could not be sure of obtaining afterwards a comprehensive re-distribution of political power. They should no doubt be told that in order to be logical, it was necessary to go beyond household suffrage, and demand equal electoral districts, since nothing short of such a measure would give equality of representation. It seemed to him that to press such an argument upon the House was most unfair, because every one knew that no political question was ever determined in this country by the political necessities of the case. Such an argument would have been equally forcible on the occasion either of the first, or the second, Reform Bill. It was also said, and with some truth, that those who advocated a re-distribution of seats were bound to show how the present inequalities were to be redressed and to indicate the nature of the reforms they had in view. He was not going on the present occasion to sketch out the details of a new Reform Bill; yet, he would not shrink from enumerating

some of the general principles of such a measure. He had no right to speak for any one but himself; but he thought he could show that a juster distribution of political power might be attained without any tendency towards equal electoral districts or the destruction of those local associations which were so dear to many hon. Members. It would hardly be disputed that towns with 500,000 inhabitants, or divisions of counties like the South Western Division of Yorkshire with 400,000 inhabitants, should have more political power than they now enjoyed. It was also desirable that the present constituencies should be preserved as far as possible, and that, instead of disfranchising the smaller boroughs, that they should be wherever it was practicable, grouped with other towns and places. The large unrepresented towns, by becoming representative boroughs, would be taken out of the counties, and something would be done to remedy an inconvenience at present complained of. If large counties and boroughs obtained more Members, he was so anxious to avoid equal electoral districts that he would do nothing to destroy the integrity of those county and borough constituencies, and if, for example, a large town returned five Members, he would not divide that town into five wards, with a Member for each ward. In those great constituencies, moreover, which ought to have four or five Members some plan should be adopted so as not to give the representation entirely to the majority, but to enable all important sections of political opinion to exercise the political power which was fairly their due. Those who advocated the present Resolutions would admit that whenever this question came to be dealt with by a Government, many collateral questions would have to be raised. If, for example, a uniform suffrage were adopted in counties and boroughs, there could not be a vestige of a reason why the non-resident qualification in counties should be maintained. At the present time no less than 10 per cent of the voters in counties were non-resident, and it had always appeared to him a matter of great injustice that a man who perhaps represented a purely fictitious qualification, should be able to neutralize the vote of some resident of a county whose life had been spent there. Probably the argument

Mr. Fawcett

that would be most advanced against his hon. Friend would be that his proposals were abstract Resolutions. But had his hon. Friend embodied his proposals in a Bill, he would have been told that, as a private Member, he had been guilty of great presumption in bringing forward a scheme of Parliamentary reform. That, however, was an argument which he should be surprised to hear advanced from the Treasury Bench, because its occupants when in opposition were the great advocates of abstract Resolutions, and there was nothing that helped them so much into power as the abstract Resolutions they were perpetually moving respecting local taxation and local government. Then, too, it must be remembered that this House was not only a Legislative Assembly; it was a great Representative Assembly where the opinions and the feelings of the people found their most legitimate and constitutional expression. Perhaps at the present moment the question was not ripe for the Government to undertake; but if there was a strong—he did not say a predominant—feeling in the country in favour of these proposals, it would be wrong that such a feeling should not find expression in this House. When a deputation waited on Earl Russell in 1866, many wishing that his Reform Bill should go further, that distinguished statesman asked how many Members of the House of Commons were in favour of such an extreme opinion as household suffrage; and somebody answered, “Not 40.” Yet, within a year and a-half from that time the Prime Minister had educated his 40, and 350 Members of the House of Commons supported household suffrage, thus enabling the right hon. Gentleman to perform the greatest achievement of his life. He should not venture to predict when the minority of to-night would grow into a majority, but that it would become so no one could doubt, and all the more rapidly the oftener the subject was discussed. Perhaps his hon. Friend had confined his remarks too strictly to the rural labourers, for, as the Prime Minister pointed out, this was also the case of the urban population, the expediency of whose admission to the franchise nobody disputed. During the last 20 years he had attended many public meetings as large as that held on Wednesday last; but he unhesitatingly asserted that he

never attended one at which greater enthusiasm and greater earnestness were displayed, accompanied with so much moderation, sober judgment, and sound sense. At some former period doubts were entertained as to the desirability of conferring the suffrage on the rural labourers. These doubts must be removed by the conduct they had exhibited during the last few years. There had never been a greater industrial dispute in this or any other country in which so much good sense, sobriety, and desire to avoid violence had been displayed as had been by the agricultural labourers in their recent efforts to obtain an advance of wages. He hoped, in conclusion, that the House would support the Motion of his hon. Friend.

MR. SPEAKER: Does the hon. Member for the Border Burghs propose that the Resolutions should be put separately or not?

MR. TREVELYAN: I propose that they should be put separately, Sir.

Motion made, and Question proposed,

“That, in the opinion of this House, it would be desirable to adopt an uniform Parliamentary Franchise for Borough and County Constituencies.”—(*Mr. Trevelyan.*)

MR. DALRYMPLE said, he did not propose to follow the speech of the hon. Gentleman who had just sat down, a speech which did no less than shadow forth a Reform Bill. He had listened, as he always listened, with great pleasure to the speech of his hon. Friend who had introduced the subject, and he ventured to say that if eloquence of statement and brilliancy of illustration could insure success, he might fairly look for a triumphant majority. The object he (Mr. Dalrymple) had, however, in now rising was to explain why, having voted for the Bill of his hon. Friend in 1874, he intended to vote against his Resolution to-night. Though this was his intention, he remained of the same opinion as before, and in no way repented of his former vote. He could not see how, if in 1867 household franchise should have been given to boroughs, it could be refused to counties at the proper time. He did not speak of parts of the country with which he was unacquainted; but he had in his mind two towns in a Scotch county, separated by some three or four miles. In one there was household suffrage, be-

cause it happened to belong to a group of Parliamentary burghs, and in the other, where the people were of a superior character, the county franchise prevailed. It was almost as remarkable as where a man on one side of a hedge had a vote, and a man on the other had not. It was nothing to the purpose if it were said that the agricultural labourer, from want of education, was not fitted to have a vote; for in 1867 the suffrage was given to a large number of persons notoriously but little fitted to exercise it. Granted that his hon. Friend would give the franchise to persons not fitted for it, he would also enfranchise persons who were well qualified to use it. There was as much to be said against the Motion, and no more, as there was against the Household Suffrage Bill in 1867. He knew that these matters were not settled by consideration of logic. He knew that the franchise was not a panacea for all evils, social and political. He repudiated the notion that the franchise was an educator. It would be just as true to say that it was a great demoralizer, because there were evils connected with popular election. He could not agree with the hon. Member for the Border Burghs when he said that because a man had not a vote therefore he was unrepresented in the House. He did not take so lofty a view of the franchise, nor so low a view of representation. Many a man might be thoroughly represented in the House who had not a vote. He should think himself a poor Representative indeed, if he could only represent the class to which he belonged. He supposed the Members who claimed to represent the working men did not assert that they represented them only; and it was as absurd to say that because a man had not a vote, therefore he was unrepresented, as it would be to say that because a Member of a particular class was not in the House, therefore that class was unrepresented. It was a poor compliment to the intelligence and generosity of those who sat in the House to say that they only represented the class to which they belonged. What the hon. Member said on that point, if carried out, would point to universal suffrage; because as long as any number of persons were without the suffrage, it might be said even of the extreme residuum that they were unrepresented in Parliament.

Mr. Dalrymple

Further, though he sympathized two years ago, and still sympathized, with the proposition to equalize the country and borough franchise, he must express his strong dissent from some of the proceedings which took place at a public meeting held last week in another part of London. Many statements were there made of an exaggerated and irresponsible character, which rather brought discredit than honour on a great movement. It was not the comparatively moderate proposal of his hon. Friend, but manhood suffrage that was approved. ["No, no!"] He knew that the meeting wisely and judiciously guarded itself against any resolution in favour of manhood suffrage, but many who were present pointed to manhood suffrage as the glorious goal they had in view, and towards which the movement of his hon. Friend was a mere fingerpost and stepping-stone. But, apart from all the exaggerations with which it was surrounded, he believed, when the proper time arrived, his hon. Friend would be found to have justice on his side. He had supported his hon. Friend in 1874, but he was not prepared to vote with him to-night, and it was that course which he (Mr. Dalrymple) had risen to explain. He would, however, reserve to himself that liberty and independence which he had before exercised in regard to the subject. The question did not now stand where it did in 1874. He thought that when Parliament had once expressed its opinion on the subject, as the House then did in a most significant manner, the decision should hold good while the Parliament lasted. The present was not a question within the domain of practical politics during the present Parliament, and he believed it was quite hopeless to think of carrying the equalization. But other considerations demanded attention. The Government had set to work, in fulfilment of many pledges, to carry out practical legislation. A Bill for increased education had been introduced into the House, and he could not help hoping that increased provisions for compulsory education might be introduced; but if the agricultural labourer had the opportunity of voting in the abstract, he (Mr. Dalrymple) doubted whether he would be in favour of compulsory education. Again, if the question were really before Parliament, a whole Session would be occupied with its con-

sideration. The present Government had shown that they were not afraid of an extension of the franchise. In 1867 they gave household suffrage in boroughs. It might be said, and had been said, that the Conservative Party did the work of the Liberal Party. But in 1867, by a majority of 21, household suffrage in boroughs was carried against the vote of the Liberal Party. It was not, therefore, impossible for the Government to deal with the matter. But they did not come into power to disturb the franchise, and while at least they would not consent to have their hand forced, for anything he knew they were at present satisfied with the political machinery they had. Whatever the result of the vote might be, his hon. Friend might console himself with more than one reflection. Whenever the equalization of the county and burgh franchise took place his name would be mentioned in connection with the subject. Whatever might be the decision of the House that night—and no one could doubt what it would be—there were a number of Gentlemen on the Conservative side of the House who had expressed themselves in favour of equalization; and many would vote in favour of it when the proper time arrived. For himself, he might say that he never gave any pledges on the subject. A vote given in 1874 in favour of equalization had probably offended as many persons as it gratified. He (Mr. Dalrymple) remained of the same opinion on the subject as he formerly held; but the time had clearly not yet arrived for the change which the Motion pointed to, and he held that it was not in accordance with political wisdom to urge on the question year after year against the clearly-expressed opinion of Parliament.

SIR CHARLES W. DILKE observed, that he had never in his Parliamentary experience listened to such an extraordinary speech as that of the hon. Gentleman who had just sat down. Whatever else the hon. Member might be, he was certainly not the man one would choose to go tiger-hunting with. The hon. Member had supported the Motion of his hon. Friend two years ago, and the only reason why he was not prepared to do so now was that Parliament had then pronounced against it. He had said that household suffrage in the boroughs was carried by the Conservatives; but the fact was that the Conservatives were in a

minority when household suffrage was carried, and but for action in the Tea Rooms of a large number of persons who had been Radicals all their lives, it probably would not have been carried at all. Then the hon. Gentleman made a most unfounded attack on the late meeting at Exeter Hall. There was no foundation for the statement that all the chief speakers had manhood suffrage in their minds.

MR. DALRYMPLE said, he made no such statement. His knowledge of what occurred at this meeting was not derived from newspaper reports which might mislead, but from one who like the hon. Baronet was present. What he said was that the meeting guarded itself against adopting manhood suffrage, but that persons present, not the most obscure, pointed to it.

SIR CHARLES W. DILKE said, he wished the hon. Gentleman had named those persons; he was present, and he heard nothing of the kind. An Amendment, no doubt, was moved in favour of manhood suffrage, but it was only supported by eight votes. The real point, however, of the argument of the hon. Member who had just sat down was that he and his Party would vote for the proposal of the hon. Member for the Border Burghs when the proper time came. It seemed, however, that the proper time had arrived two years ago, when the hon. Gentleman voted in favour of the Motion; and when the question was taken up by the front Bench opposite, no doubt, the proper time would have arrived once more. To-night the House would have to argue it altogether as a question of time. It could not be contended by hon. Members opposite that the rated householders in the counties were not fit to exercise the franchise, seeing that the right hon. Gentleman at the head of the Government had himself said that they were as fit to exercise that trust as were the rated householders in the boroughs. The real reason for the opposition to the Motion of the hon. Member for the Border Burghs was that the question of re-distribution underlay that of the franchise, and it was for that reason that he (Mr. Trevelyan) had placed a re-distribution Motion on the Paper, coupling the two things together. The Prime Minister had thrown out a challenge on the subject, and that challenge had been accepted, a complete scheme being

brought forward. The bugbear which had been conjured up in connection with a complete and logical scheme was the effect which it would have in diminishing the number of Representatives in certain counties. But the whole class of county Members, with the exception of three or four from Scotland, would be unaffected; the Members for the large boroughs also would be unaffected, and it was only Members for the small boroughs in Ireland and England who would be touched. He had presented a remarkable Petition that day from Midhurst and Chichester, in which it was stated that political life was extinct in those boroughs, and that they were entirely in the hands of certain great families. But no one who knew the county from which the hon. Baronet the Member for Midhurst (Sir Henry Holland) came could doubt, no matter how the county was divided, that he would obtain a seat; and so it would be with most hon. Members who now had seats in the House. It should be remembered that the anomalies mentioned that evening were not only enormously great, but were rapidly increasing, as appeared by a Return for which he had moved. The small constituencies were standing still or going back, while the large constituencies were increasing at a rate of which hon. Members were hardly aware. For instance, Liverpool in 1872 had 48,000 electors; in 1873, 53,000; in 1874, 56,000; in 1875, 59,000; it had now 61,000, thus increasing at the rate of 3,000 a-year. How many small boroughs would it take to make up 3,000 electors? Very lately there was an election in Manchester, and his hon. Friend (Mr. Jacob Bright) was returned by exactly 300 times as many votes as the hon. Member for Portarlington (Captain Dawson-Damer), who obtained a seat by 76. While in some constituencies candidates had secured 21,000 votes, and yet had been defeated, 76 votes and 86 votes had sufficed to send two Members to the House. Twenty-eight Members sat for constituencies with more than 20,000 electors; 72 sat for constituencies with more than 10,000; and 52 sat for constituencies with fewer than 990 electors. The Committee on Parliamentary and Municipal Elections, of which he was Chairman, had taken evidence on the working of the Ballot in large as compared with small towns,

and that evidence showed that it was useless to attempt to make provisions against intimidation and corruption in very small constituencies, because they were so easily manipulated and managed; and the same reason led to the abuse of the provision for taking the votes of illiterate voters, in whose cases intimidation was made stronger than it ever had been before. These difficulties disappeared with the increase of the size of constituencies, until in one of fair average size the attempt to follow individual voters and discover how they had voted was abandoned as useless. The anomalies which existed in our representation were a scandal to the country. It was a crying scandal that boroughs should be bought and sold as was frequently the case. He had known of an instance in which landed property was put up for sale, and as an inducement to purchase it was distinctly stated that the property carried with it the representation of a particular borough—indeed, the fact was stated in Parliamentary handbooks. The supporters of the Motion, therefore, thought that not only were they right in bringing forward the question of re-distribution along with the proposal to assimilate the county and borough franchises, but also that the re-distribution of political power would be a wise just reform in itself.

MR. BURT said, he thought that the hon. Member who had brought forward this Motion had done well in dealing with the question of re-distribution of seats, because the Prime Minister two years ago declared that his chief objection to the Bill then introduced was that there had been no instance of extensive enfranchisement without a simultaneous consideration of the re-distribution of political power. He trusted that as that objection had been met, the right hon. Gentleman would not discover any new objection. He did not desire to argue the claim to enfranchisement on the ground of abstract right, although he believed, with the right hon. Member for Greenwich (Mr. Gladstone), that every man not presumably incapacitated by some consideration of personal unfitness or public danger, was morally entitled to come within the pale of the Constitution, and he had never yet met with the man who did not believe that he was one of those who had the moral right. In reply to what had been said

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by the hon. Member for Bute (Mr. Dalrymple), he would quote the advice of Lord Palmerston—"Yield to-day that which is reasonably demanded, and resist to-morrow that which you would be borne out in resisting; do not let us put ourselves in the wrong to-day merely that we may find ourselves in the right to-morrow." The Members of the present Government having in 1867 brought forward a Bill based on household suffrage, it was not unreasonable to ask them now to carry out the principle they had formerly adopted as their own. If it were to be suggested that working people in the counties were ignorant, he would reply that we had not laid down any educational test for the franchise. It might be that some who had it in virtue of their material possessions were educationally less fitted to exercise it than some who claimed it. He was much gratified to hear the right hon. Gentleman the Prime Minister declare two years ago that, in his opinion, the householders in the counties were as fit to exercise the franchise as those in the towns, and he had no doubt would exercise it with equal prudence and advantage to the community. He could say, from experience, that the best portion of the working classes in this country thought they were unjustly excluded from the right, or, as some would call it, the privilege, of voting for Members of Parliament. They petitioned and they held demonstrations; and one recently held in the metropolis was a spontaneous one, got up without organization, and attended by delegates whose expenses were paid by the pence of their fellow-workmen. Hoping that he might be excused an apparent breach of good taste, he would mention his own case. From the age of 10 to that of 28 he worked in a coal mine, and for the last eight years he was a householder, but, although he took an earnest interest in political questions, he was on no Parliamentary or municipal register. When he was 28 years of age he took the position, at the earnest request of his fellow-workmen, of secretary of a trades union. Now, the significant fact was that, though he had taken an active interest in the political questions of the day during the time he was earning his bread by the sweat of his brow, he was never on the political register; but as soon as he became a trades union secre-

tary he was put at once on the register and obtained the right to vote for the election of a Member of Parliament. He did not know whether hon. Members thought that a hard-working man, honestly maintaining his family, was a less worthy member of society than a trades union secretary; but such was not his opinion. In his judgment nobody could take a more honourable place than the man who earned his bread by the labour of his hands. His (Mr. Burt's) former position was similar to that of tens of thousands at the present time, and these men considered that the deprivation of the franchise was a stigma on their poverty. The broad line of distinction between the voters and the non-voters in a country village was this. The voters lived in big houses and never soiled their hands by manual labour; whereas the non-voters lived in the small houses, and were the people who tilled the fields and performed the manual labour of the country. He appealed to hon. Members on both sides of the house to remove this injustice. The working classes did not desire patronage or favouritism, but they wanted fair play, and they did not believe they were fairly treated at the present moment. They did not entertain those chimerical notions by which the working men of some other countries were carried away. They did not envy the rich man his wealth. They did not care for social equality, but they believed in political equality, and in having equal civil rights with their fellow-countrymen. They might be very ignorant of the history of their country; but they had learnt that a good cause wisely and persistently advocated was irresistible, and must ultimately prevail. In conclusion, he appealed to the House to confirm them in that belief, and to show them that they could attain their object by a peaceable appeal to the justice of their fellow-countrymen and without resorting to riot or turmoil.

SIR WALTER BARTTELOT said, everybody must have been glad to hear the speech of the hon. Member for Morpeth (Mr. Burt), who had gained the respect of the House by the able way in which he had always addressed it; and if every working man could boast of having done as much as the hon. Gentleman, he, for one, should have nothing to say against the present Motion. But all were not in the same proud position

as that of the hon. Member for Morpeth. The Motion was intended to add 1,000,000 voters, according to some, or at least 1,100,000 or 1,200,000 voters, according to others, to the constituencies of the United Kingdom. Consequently, a very great re-distribution of political power would be necessary, and the hon. Gentleman the Member for the Border Burghs (Mr. Trevelyan) was wise in his generation when he added a second barrel to his gun. Was it expedient at the present time again to tamper with and alter the Constitution of the country? The Member for Hackney (Mr. Fawcett) said it was absolutely necessary to do so, but this he entirely denied. He did not know what the alleged anomaly was. [*Laughter.*] The right hon. Member for Birmingham (Mr. John Bright) smiled at this statement; but he would ask the right hon. Gentleman whether he considered a vote to be a right or a trust, and whether it ought to be local or universal? For his own part, he maintained that it should be local; that a vote ought not to be the property of any one individual; and that it ought to be various, and not uniform. If it was various, and not uniform, where was the anomaly of which hon. Members opposite complained. Last year the hon. Member for Hackney said he was anxious that the franchise should be extended, not on account of the agricultural labourers, but in order that votes might be conferred on artisans who lived outside the towns. He ventured, however, to assert that, as a general rule, this particular class had votes at the present moment. The right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) went further, saying that if these men had votes education would be in a very different state from what it was now. The great difficulty was with the parents, and no doubt in many instances great excuses might be made for them, but they were the chief difficulty; and if this class of men were permitted to return Members to that House, the last thing they would think of would be the question of education. ["No, no!"] If hon. Gentlemen opposite had had a practical acquaintance with the difficulties school managers in the country had to contend with they would come to a different conclusion. [MR. GREENE: Why do they want coercion?] Well, when a working man was supported by the

labour of his children it was a great sacrifice to give that up, as he admitted he ought to do, for the sake of educating his children. There was no class of men more anxious than the landlords to promote the welfare of the labouring classes. The truth was, that men in the country never had the same means of educating themselves for the exercise of the franchise that those in the towns had; and even in towns many of those who possessed the franchise voted "yellow" or "blue," as the fancy took them, or rather as they always had done, without having the slightest idea of politics. He knew an instance in which a Member now sitting in the House had asked a man for his vote, on which the latter replied—"I never had a vote afore, and now I means to keep it." He, at all events, did not mean to part with it for nothing. Education would in time do much to fit the agricultural labourer for the exercise of the franchise; but to give it to him at present would change him from a happy, contented, and an honest man to something very much worse. Much had been said about better cottages, but experience showed that where the best had been done to place the working people in a comfortable cottage they would, if possible, let their extra room to lodgers, or fill it with apples and onions. The great object of all these proposed changes was to improve the representation of that House, and it was a very serious question whether they would effect that purpose. He maintained that there was not a class in the country whose interests did not receive the greatest attention from the House, which was always anxious to do what was just, right, and fair by every member of the community. If this proposed change would not improve the constitution or the conduct of the House, he urged upon hon. Members not to bring about an agitation which might eventually have most mischievous results, without waiting to see the full effect of the very large reforms which had been recently effected.

MR. LOWE: The change which we are invited by this Resolution to make is no slight one. I hold in my hand a pamphlet written by a gentleman of great ability, in which it is calculated that the effect of the proposed measure would be to treble the number of voters in the counties. Now, that is a very

serious consideration, because it really amounts to a complete shift, so to speak, in the centre of gravity of power—it is an enormous change in the balance upon which the working of our Constitution depends. Under these circumstances, it is not unreasonable to ask for some reason to be given before we accept that change. I have listened with the greatest attention to the two hon. Members who commenced this debate—the hon. Member for the Border Burghs (Mr. Trevelyan) and the hon. Member for Hackney (Mr. Fawcett), and I confess that I can find in their speeches no reason at all alleged for this change. Doubtless, they have reasons which appear to them to be convincing, because they evidently speak under the strongest possible conviction that this change would be beneficial to the community at large. They, however, appear to assume that the burden of proof lies upon those who withhold from any Englishman of good character and of the proper age a right to the franchise. That appears to them to be a proposition so self-evident that they do not take the least trouble to prove its soundness, but content themselves by declaiming against those who do not admit it as a matter of course. I hope I am not too inquisitive when I ask these hon. Members to tell us upon what principles their opinions are based. I want to know why it is to be assumed that every man ought to have a vote who is not disqualified by some fault or incapacity. I confess I am at a loss to understand whence that assumption arises. I heard with the greatest pleasure the speech of the hon. Member for Morpeth (Mr. Burt), because he seemed to feel that it was necessary before he asked us to adopt this very strong measure to lay some foundation in reason and argument for doing so, and thus, so far at all events, he carries away the prize of reason and logic from the two hon. Members. The hon. Member, doubtless, placed the matter on the ground of abstract right, and argued that every man ought to have a vote in the affairs of his country, whether his possessing it were for the advantage of his country or not. If that were the case, we could not limit that right to men, but must extend it to women and even to children, and we should cease to be guided by experience and expediency. I therefore cannot agree with the hon.

Member's argument, although it is creditable to him that he has sought to base his opinion upon a principle. What are the other grounds upon which we have been asked to accept this Resolution? We have been told that we may learn something from the representatives of the agricultural labourers. It is doubtless a good thing to learn; but we do not come here to learn, we come for other purposes, to act and to legislate. Some people say that the franchise is a privilege that ought not to be withheld from the agricultural labourer. I, however, have yet to learn that the vote is a privilege, and is something that is to be given to people as a mark of distinction or reward. The whole of the arguments in support of this Resolution resolve themselves into some vague feeling of equality or of rights. The fallacy that runs through the whole of these arguments is this, that people think there is such a thing as science in politics—that there are certain axioms in politics so certain that they need only be stated without requiring any proof whatever. I hope the hon. Member for the Border Burghs will excuse me if I take his uncle's opinion (Lord Macaulay), rather than his—namely, that we know nothing of politics except by induction and experience. If we find that a certain thing has constantly happened we infer that the same thing will happen again under similar circumstances. Thus we have found that to tax people equally is the way to make them pay their taxes most readily and to make them pay the largest sums, and that to make no distinction of persons in the eye of the law is the best way to make them obey the law willingly. But where has our experience shown us that an Assembly is good in proportion to the largeness of the numbers by which it is elected? I know that upon these questions I hold doctrines which are unpopular, and I am sorry for it; but it is most right and proper that in this House all sides should be heard, and therefore I will in a very few words tell the House what my theory of the franchise is. Hon. Members who have taken part in this debate have said nothing about the franchise itself, they have referred only to the persons who they say ought to exercise it. They look upon it as an honour, as something to be given, or, rather, they think that to withhold it is to cast a stigma upon those to whom it

is not given. I hold that to be an entirely mistaken view of the matter. We are asked to make great and sweeping change in the incidence of power in this country. Suppose that it was any other system, any other machine, or any other institution, what should we do? We should act as practical, sensible men would do. We should sit down and consider what is the end or object of that machine — what it was made to do. For instance, if it was a clock, what is the object of a clock? To tell us the time. Then we should consider whether the proposed scheme tended to promote that main object. If it did, we should probably adopt it; or if it did not promote that main object, but would accomplish some other object that was valuable and would not interfere with the main object, we should, no doubt, adopt it. But supposing a man to come to me and say—"I have discovered an invention which will make the clock in this House strike 10 times louder than it does now." I ask him "What will be the effect of that?" He says—"The effect of that will be in a short time that probably it will break the bell of the clock, and very likely it will knock down the tower on which it stands." Then I say—"My object is to have the advantage of a clock to tell me the time, and I do not approve your invention, which, though it might give a collateral advantage would injure the main object for which the clock was made." Except from the hon. and gallant Gentleman who has just sat down, we have not heard anything which touches the real essence of this case. In my opinion, what we have to consider is, what effect these changes will have on the House of Commons—whether by making these changes the House of Commons will become a better machine for the purposes for which it was made for the making of laws and for the administration of government. And I must point out to the House that this is a question which it becomes every year more delicate and difficult to answer, because the House of Commons is continually making advances on the province of the Executive Government. It is a matter of extreme delicacy and difficulty to alter the constitution of this House without seeing very clearly in what direction you are going. You are not justified, in my opinion, in altering the Constitution merely because a great

number of very worthy people would be much pleased if they had the advantage of being relieved from the stigma that they have not the franchise, unless you see clearly that by making the alteration the Constitution, if it be not improved, will at least not be injured. The hon. Member for the Border Burghs seemed to think we can stop with this change, but when the number of constituents is increased to the extent he proposes, it will be absolutely impossible that the present system of electoral districts can go on. It might be said that we are not proposing these alterations with a view of improving the House of Commons, but that it was a concession to a feeling—an honourable feeling, no doubt—a feeling of equality. But we cannot stimulate those feelings of equality and then regulate them, saying we will go to a certain point and then stop. When we have given these rural voters the franchise, it will be demanded, as is demanded by the hon. Baronet the Member for Chelsea (Sir Charles Dilke), that the striking and startling differences in the amount of electoral power shall be remedied. No one can be so weak as to suppose that things can stop there. We have made a little deity of equality. We have set it up as an idol, and we must take the consequences. The result will be to carry us in the direction of equalizing electoral districts. When I look at the great disparities which now exist, and at the feelings so honestly and sincerely entertained on this side of the House, and I believe on the other also, in favour of this idol of equality—which is no idol of mine—I cannot help feeling very confident that when we come really to address ourselves to this question of electoral districts, we shall find it absolutely impossible to give equality on the old basis, and I do not think it is conceivable, remembering the differences in different parts of the country, that we can maintain the old distinction of counties and boroughs. We cannot put ourselves on an equality else, and it is no use sacrificing so much, unless we give satisfaction. I feel as certain as anyone can of the future—and I hope the remote future—that the result of what we are going to do will be to drive us not to remodel our present electoral districts, but to some process of this kind. We shall have to take the whole number of electors, divide that by the number

of Members, and take the quotient as an electoral district, with some such plan as that in America, for a power of revision every 10 years. I cannot conceive how we can avoid such a conclusion. The more a man studies it, the more he will see how impossible it will be to go upon the old plan. What is to prevent it? You would concede the franchise generally to men in the rural districts and towns, and you would concede equal electoral districts, or something closely approaching to them. Is any man sanguine enough, or rather weak enough, to suppose that we can stop there after sacrificing everything to equality and recognizing its principle in this way? Is it possible to go no further, and not give an equality by extending the franchise to manhood suffrage? It is utterly impossible, and we must make up our minds to the whole course. I may be told that some countries are tolerably well governed by manhood suffrage. I do not deny that, if we had a large military power to keep order, or if we would consent to have a Constitution like that of America, where they elect a King for four years, who really governs, and whom they cannot get rid of unless he is impeached for some crime, and where the Ministers are not responsible, except they commit some crime, Government under universal suffrage might somehow go on. America shows how, under very favourable conditions, it is possible to carry on the Government; but to suppose that a Government like ours, which is not merely legislative, but in a great measure the Executive Body of the country, can be carried on under universal suffrage, is a dream, as it seems to me, too idle to be considered. It is impossible to do it; it must involve a reconstruction of our institutions of some kind or another under circumstances the least favourable to permanence, because it would be made under the influence of tremendous, sweeping change, and must be made by persons or by bodies comparatively unacquainted with the art of manipulating matters of this kind. I have felt it my duty, therefore, although I have already reaped sufficient unpopularity in this field, after nine years, once more to break silence and unburden my conscience by stating to the House what I believe must be the inevitable results of these proposals. You may say that I exaggerate in many respects; but I ask

you, are you so very ill off now in this the happiest and best governed country in the world that you should try these tremendous experiments? If we were like some other countries you might say desperate diseases need desperate remedies, but where is our desperate disease? We are only too prosperous, too happy, yet I fear in the extremity of that prosperity, and happiness we shall not be satisfied until by our own hand we have pulled down the noblest fabric of liberty and justice that human hands ever raised, or human folly ever destroyed.

MR. JOHN BRIGHT: I have heard with pleasure, at least in one sense, and with very great interest, the speech of my right hon. Friend. I think many Members of the House who were here about 10 years ago then heard arguments somewhat of the same kind, though at that time they were not delivered with the calmness and the kindly feeling which have been displayed to-night, and I was further led to imagine that a speech of the same kind might also have been delivered previous to the year 1832. Every argument used by my right hon. Friend against the step which the House is now asked to take would have been perfectly good from this bench, if it had been adduced in company with Sir Charles Wetherell and other opponents of the Reform Bill brought in by the Government of Lord Grey. At the same time, I am not about to say that there were not words of warning which my right hon. Friend uttered, to which the House may not well pay attention. But I am glad to find that on this occasion we can debate this question in a less stormy condition of things than I have known to exist in past years. We have no anger on that (the Ministerial) side of the House, and, except from my right hon. Friend, there does not appear to be very much timidity on this side. We are, in fact, in a cool and temperate atmosphere, and we can discuss this great question now apart from the terrors and alarms with which some Gentlemen were accustomed to discuss it in past years. It is a very curious thing that these terrors or alarms should seize my right hon. Friend or affect the minds of any other hon. Members, because we must bear in mind that this country has been a country of Parliamentary representation for a great number of centuries, and that

of late years—I mean within the last century, certainly within the last two centuries—we have been responsible for the spreading of representative Government of the most complete character almost all over the globe, and certainly among many considerable communities throughout the world; for instance, in what were once our colonies, and now that great nation the United States of America; again, in our great colonies of Australia and New Zealand; and also in the populous communities of South Africa under the British Crown. In all those countries representative institutions have been established on the basis of our own, but with a wider scope and including a greater portion of the population with their privileges. And, further, we may say that in most of the countries of Europe where there has been any advance of political liberty—and I doubt whether there is any in which there has not been some advance—we see that there is a representative system—following very much in the steps of ours—being gradually established. I see, moreover, in the newspapers startling news—some of which was mentioned to us this evening by the Under Secretary for Foreign Affairs—to the effect that in Constantinople an educated class called the Softas have even some dim idea of establishing representative institutions in that capital. Well, if this be so, we really have had a large experience—an experience of our own and other peoples. We have more than this. We have admitted—and admitted, I think, with great success—that a wide suffrage is better than a narrow suffrage. Indeed, my right hon. Friend himself speaks of this happy country, and says—“You are going to pull down the noblest fabric of liberty which human hands have ever reared.” But of this noble fabric some of the top stones—and, as I think, some of the most ornamental stones—are the very stones against which he himself protested some 10 years ago. I should hardly have thought my right hon. Friend would have spoken in such terms of eulogy about a constitution that had so recently undergone changes which in his view were likely to involve the country in danger if not in ruin. But I will now endeavour to confine my observations to what I understand to be the precise object of this Motion and this debate—namely, whether it would

be judicious to extend the franchise now possessed by householders in boroughs to householders in counties. That, I think, is the question in which, whether in the counties or in the boroughs, the greatest interest is felt by the people at this moment. It is said there is something special and different about the counties, and that it is not necessary or desirable to establish in them the same franchise as exists in the boroughs. We know that there is something different. Up to 1832, no man voted for a county who was not a proprietor of the soil. It was not so much Gentlemen on this side of the House who broke in upon the practice of that time. The Chandos Clause, which gave the franchise to occupiers of the value of £50, was a clause introduced, I believe, but certainly supported, by the great body of the Party opposite. Therefore, they were the first who broke down the rule which prevailed up to the passing of the first Reform Bill. During the discussions on that Bill the House came to the conclusion that it was not wise—I agree entirely in this—to confine the county franchise to the freeholders. In past times the freeholders were a much more numerous body than they are now; and it would be impossible at this moment—as every Member of this House must know and feel—to have confined the franchise of the counties to freeholders in the counties. Then it seems to me that when the old plan of a freehold franchise was given up, and a ratepaying or occupying franchise was adopted, that was a very great step in the direction of what we are proposing to the House to-night. But still there remained a great difference between the counties and the boroughs, for in the counties you still had the freehold franchise, and a very high occupation franchise; and in the boroughs, by the first Reform Bill, you had only an occupation franchise of the value, not of £50, as in the counties, but of £10; and that difference continued for a great number of years. But there came a time when the right hon. Gentleman, now the head of the Government, being the Leader of the House, but not then the Prime Minister, himself introduced a Reform Bill, and on that occasion he objected to reduce the borough franchise at all. He was for something that was called “lateral extension.” It was a thing which nobody

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was able to understand, but still it sufficed, of course, for the Gentlemen who voted with him. The right hon. Gentleman was for a lateral extension of the borough franchise, but he proposed to bring down the county franchise to the same point as that which then existed in the boroughs; and the House will recollect that two of his Colleagues—the right hon. Member for Oxfordshire (Mr. Henley) and the right hon. Member for the University of Cambridge (Mr. Walpole), who always sit together—seceded from his Government because they differed with him on that question. And, therefore, if anybody feels great doubt as to the constitutional propriety of having an equal franchise in the counties and in the boroughs—especially if anybody who sits on the opposite side of the House and follows the First Minister entertains any such doubt—his difficulties may be entirely removed, because it was on the authority of his own Leader that that proposition was first submitted to Parliament. In 1866 a proposal was made that the borough franchise should be reduced to £7, and many Gentlemen now present will remember the terrible denunciations that were levelled at that so-called democratic step. In the following year the right hon. Gentleman was not only willing to accept a £7 franchise, but he was willing to go down to household suffrage, and to have no qualification whatever in the boroughs except the fact of inhabiting a house or appearing on the rate books as a householder. The Party opposite—I am sorry they afford so much opportunity for unpleasant criticism—exhibited what, to my mind, was ignorant and abject terror in 1866. I did my best to disabuse them of it. I tried to show them that, with all their Conservative intentions, it would have been wise for them to accept the Bill offered by Lord John Russell's Government. They refused, but yet in the following year they plunged into an extreme far beyond that which the year before they declared to be perilous, if not destructive, to the country. Within a few years, therefore, the Party opposite—for I must identify them with their Leader—have done two things, they have proposed that the county and borough franchises should be equalized, and they have brought forward a measure which with their consent ended in the granting of house-

hold suffrage to the boroughs. I therefore say that if they accept the first of the two Resolutions that have been proposed, their course will be entirely logical; but if they reject it, they will have to use arguments in support of their position which will entirely condemn what they have done heretofore in regard to this question. My right hon. Friend has asked two or three questions in the course of his speech. I would like to ask another, which I think ought to be settled before we proceed with this Resolution. I would ask whether the change that has been made in the borough franchise has proved itself fairly satisfactory to the House and the country? The Party opposite proposed it in such a manner that at last household suffrage in counties became unavoidable, and I have observed that in speeches made at the last General Election, and at single elections which have occurred since—especially when they have been speaking to numbers of working men—their orators always exulted in that which was done in regard to this matter. They saw what a grand and admirable thing it has been for the country, and, if I am not mistaken, Lord Derby, speaking at Edinburgh a short time since, referred to household suffrage and the working man's vote with something akin, not merely to satisfaction, but to exultation. I never have attempted to deny that a wide suffrage must, as a matter of course, introduce a great many persons who are of no advantage to the constituencies, and to whom, I am sorry to say, the franchise can be of no advantage either; but this is inevitable, and, on the whole, it will be admitted by everyone that the results of what was done in 1867 with regard to the borough franchise have been satisfactory and give us no cause whatever for alarm. Ignorance undoubtedly prevailed in regard to this question, but that ignorance is now more rapidly than at any former period in this country giving place to instruction and to schools; while corruption and intimidation, as shown by the experience of elections that have been held within the last 10 years, are giving way to a growing and strengthening moral sense throughout the constituencies. We now come to the question of the counties, in regard to which I think the inhabitants may be divided into four classes—owners of land and tenant farmers,

labourers and shopkeepers, and inhabitants of towns and villages, of whom there must be a large number. Two of these classes have votes, and one of them mainly has the power. The great bulk of the labourers and of the householders in villages and small towns are excluded because of a franchise of £12 rating, which is equal to a £15 or £16 rental. [*Cries of "£14."*] Take £14 if you like, but £15 or £16 is nearer the mark. My right hon. Friend behind me did not give us a reason why a person living in a £15 house in the county town should not have a vote if a person living in a house at £5 rent in a borough has a vote. There must have been an object in giving votes to such persons in boroughs, and I can see no reason why the same reasoning should not apply in counties. It seems to me quite impossible and unreasonable on a speculative argument like that which has been used by my right hon. Friend to shut out, it may be, 1,000,000 persons from the franchise, every one of whom would have the power to vote if they happened to live in boroughs. The right hon. Gentleman the Prime Minister gave household suffrage in boroughs as a means of settling the question for ever; and I can see no reason why the same rule, with a similar view, should not be adopted in the counties. It has been said that one result of passing the Resolution which has been proposed would be to lead to agitations for manhood or universal suffrage. So far from holding that view, my opinion is that the best means of putting an end to the possibility or probability of any such agitation would be to give a free vote to every householder in the country. Depend upon it, you will leave the discontented there of no authority, and you will add a vast number—hundreds of thousands, it may be, it will be—to the present electors, who will be satisfied with the rights and privileges they have secured, and will not be willing, for merely fanciful reasons, to extend them to those who may have less claim to a vote than themselves. Now, I must touch upon one question which has been remarked upon by the hon. Member for Morpeth (Mr. Burt), and I think it fortunate that upon this subject we should have heard that speech from the hon. Member—that is, whether the persons to whom we are now proposing to give the vote

are capable of the fair and judicious exercise of their franchise. Let hon. Gentlemen opposite and the right hon. Gentlemen behind me bear in mind that there is a large class between the labourer in the county and the £16 householder. I do not know whether there is any Return which gives the precise number, but it must be nearly half of the whole number who would come between £16 and £5 rental. The farm labourers in the county would be below or about £5 rental. I think the hon. Baronet opposite (Sir Walter Barttelot) would scarcely object to give the franchise to persons living in houses of from £5 or £6 to £15 or £16 rental. I would say they are persons who know something of politics, and are fairly trustworthy in the matter of the vote. Suppose we were to give it to £5 or £6 householders, would it be wise to draw a line at a point which would absolutely and effectually exclude whole classes of labourers in the counties? The moment it was done you would have the excluded labourers knocking at your doors, just as the labourers in boroughs knocked at your doors. It would be seen that it had been unwise to exclude them; and then the door would have to be re-opened to admit them. The hon. Baronet said he was not to be understood as saying anything against labourers; but I am afraid that if they could have heard him they would not have appreciated his compliments, particularly his description of their ignorance. He did not seem to bear in mind that if they are ignorant of politics they are becoming less so every day; and if it be true they are somewhat ignorant of politics, I must say that is a curious plea to be put in by Gentlemen opposite. I think the labourers need not blush compared with them if we look back over 30 years in this House. I have been in this House since 1843, and I think that nearly every measure the House is now particularly proud of has been opposed in the main by hon. Gentlemen opposite. It is a terrible thing to recall such things to hon. Gentlemen opposite. There was great terror about the importation of corn. There was great terror of the importation of cattle. I remember an hon. Baronet on this side of the House, who represented a western county, and who was known by the name of "longhorns and

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shorthorns," because he always told Sir Robert Peel that the introduction of longhorns or shorthorns, I forget which, would be ruinous to the trade of the country. They objected to free trade in sugar, to the abolition of the duties on paper, and to the abolition of the 4*d.* stamp on newspapers, and the duty of 3*s.* 6*d.* on advertisements. I need not talk of church rates; we are all glad to have got rid of them. Since they were abolished churches have been better cared for than ever they were before in the history of the English Church. The Irish Church question was another on which hon. Gentlemen opposite differed from us. They differed very much with regard to the legislation on Irish land. They differed from us very much about the Ballot; but they rejoice in the Ballot. ["No, no!"] It is not a question to be argued, because their approval is notorious; and in the course of another year they will be bringing in a Bill to make it permanent, and not a single voice will be raised to protest against it. With regard to education, when Lord John Russell proposed the first Vote to be given by the Privy Council, I believe it was objected to almost unanimously by the Party opposite, and it was carried only by a very small majority. Again, the French Treaty, about which there seems to be now no difference of opinion either in England or France, so advantageous has it been, was made a Party question by hon. Gentlemen opposite. I do not say this for the sake of saying anything unpleasant to hon. Gentlemen opposite. I ask hon. Gentlemen opposite, when they speak of the ignorance of farm labourers, whether they might not make a little allowance for them? As far as they have had the opportunity of reading newspapers, attending meetings, or otherwise expressing their opinions, I will be bound that during all this time they have favoured the policy which hon. Gentlemen opposite have stubbornly and, I think, unwisely objected to. If they are ignorant, their ignorance is lessening every day. The condition of the farm labourer just now is one to my mind of extreme interest. I reckon wages to be a first-class question. If they can be doubled, you will double many things; you will give the labourer a better home, his children a better education; you will

lift him gradually, it may be slowly, but certainly, in the scale of the society in which he lives. I recollect the right hon. Gentleman at the head of the Government, in one of those speeches which may be amusing to his friends, but which are sometimes distressing and even painful to us, and in which he declaimed to the House about the vast sufferings of the agricultural interest, concluded by saying he was willing to rest his whole case upon the effect which would be produced on the agricultural labourer. I was speaking lately to one from his own county, who was working as a navvy in Lancashire. He was at his mid-day meal, resting from his work, and I asked him where he came from. He said from Buckinghamshire. I said—"How are things going on in Buckinghamshire?" and he replied—"A good deal better than they used to do. When I was a lad my father worked for 7*s.* a-week; but when I left home he was getting 11*s.*, and I have since hear'd as they're givin' him 14*s.*" That was double the wages received there 30 years ago. Now, about that time I went with a gentleman now in service under the Government to visit Stonehenge. It was a miserable, drizzling day; the shepherd of Salisbury Plain made his appearance in a long coat, and I asked him, among other things, how many children he had. He said—"Only one, thank God." I said—"Do you thank God, then, for having only one child?" and he said—"If you had to be on this plain seven days a-week for 8*s.* a-week, would not you thank God you had only one child?" I do not know exactly what a shepherd of Salisbury Plain gets now; but I rather think he gets double that. [An hon. MEMBER: More.] Only the other day I was going down to the North, travelling with a gentleman from Northumberland, who is a landed proprietor and farmer, and, I think, has some interest in collieries. He told me he gave 26*s.* a-week to the labourers on his farm—21*s.* in money, house, coal, and potatoes. [An hon. MEMBER: Where?] I will not give the name to anyone; but I have no doubt the statement was quite true. If that be true, the wages of the agricultural labourer have risen very greatly indeed—in some cases fully double. This brings me to the meeting held last week. I think it is a deplorable thing that the newspapers being pressed with

matter at the time it was held, the proceedings were not adequately reported. There were more than 600 farm labourers, who came from various counties and districts, not at the expense of any general association, but at their own expense and the expense of their immediate friends, to discuss this very question which we are now discussing. I am sorry I was not able to attend, but the accounts I have received of it from several Members of this House who were there show it to have been one of the most remarkable political meetings held for many years in this metropolis. All these men have now their newspapers. There are newspapers printed for them, and circulated by thousands every week. Hon. Gentlemen opposite know there are such papers. There are, no doubt, many things in some of those papers which it would be better if the agricultural labourer did not read. I have seen many things that no intelligent friend of the agricultural labourer would have placed before him for his mental instruction. But the papers are there; the labourers are reading; their wages are greatly increased; their independence is increasing; and among them all there is a gradual movement which it is quite impossible for this House to undertake to suppress — a movement in the direction of asking that they should be placed on an equality with their fellow-countrymen in the towns, and that they should have that small but fair share of political influence which the man has who is intrusted with the elective franchise. Now, we know — the hon. Member for the Border Burghs (Mr. Trevelyan) referred to them — of questions which are before the House in which the labourers and the population of the counties are greatly interested. These are the question of education; the question of local government, which hon. Gentlemen opposite find so difficult; the administration of justice; the laws relating to land; they may think some day that the land is to be made as free as the produce of the land has been made. Well, the question is a fair question; shall their Representatives speak no word on their behalf with regard to these questions? I will not enter into the question of distribution. I think that the theory that the two questions should be proceeded with together is not a wise one. I believe it

would be better if the House concentrated its view upon the question of the franchise, not that it will not be necessary to touch the matter of the distribution of seats, but because that is not a matter which requires to be argued. The moment the franchise is amended, all men's eyes who look with interest to this question, will be turned to the question of distribution. But the question of the franchise is one which presses much more than the other, because a great body of the labourers feel that they are aggrieved. They are not aggrieved on the question of distribution any more than we are. We all feel alike about that. But all these people feel the question of the franchise, and I believe that the true policy of the people moving in this matter is the true policy of any honest Government; that when a due registration is made of the enfranchised bodies and a Return shown so that you can get an exact return of the number of electors throughout the towns and boroughs, then you will have a great amount of accurate information upon which you can proceed if you think the time is favourable and right to deal with the question of the distribution of seats. I ask the House with great sincerity to consider the question as it has been discussed on the whole to-night. It cannot be called a Party question. ["Oh!"] It is not a Party question. There is scarcely a Member on the other side of the House with whom I have gone into the question, who has not said that it cannot be put off for very long, and when the right hon. Gentleman at the head of the Government proposes that it shall be done, no doubt it will be accepted and adopted by an overwhelming majority even in this House. And when it is done a great thing will be done. We shall have the counties put in as favourable a position for legislation on their behalf as the boroughs occupy now. The freedom of the towns will be extended to the counties, and we shall have what I fear is a great amount of social tyranny in the counties broken up. We shall have what I have described as the paralysis of half the political interests and power of the country removed and healed, and we shall have the industry, the intelligence, and the freedom of both town and country brought to combine in the election of a really free Parliament, that shall be a credit

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and a permanent safeguard to a great and a free people.

MR. DISRAELI: The right hon. Gentleman is never more at home and happy than when he dwells on the history of successive Reform Bills and of the political struggles in which he has taken part. To-night his memory is completely historical. He has taken the opportunity, in the first place, of attacking my inconsistency in proposing the schemes for Parliamentary Reform which at different times of my life I have made. Whether the right hon. Gentleman attacks me or not, I accept his remarks in the spirit in which they were offered, and what that spirit is I do not stop to inquire. The right hon. Gentleman says that in 1859 I brought in a Bill on reform, the principle of which was identity between the borough and the county franchises—that is to say, I proposed to reduce the county franchise to the £10 franchise of the boroughs. We were induced to take that course for this among other reasons, but for this principal one, that we were convinced no lowering of the borough franchise could be a final settlement. Well, that Bill was not successful. A Bill was introduced by the Friends of the right hon. Gentleman, which proposed the reduction of the borough franchise to £7. I and those who acted with me opposed that measure, and the right hon. Gentleman says this was very inconsistent. He says—"You opposed this reduction of the borough franchise to £7, and yet the year after you proposed household suffrage." I maintain, as I have ever maintained, that our course was perfectly consistent. We took our stand upon the £10 franchise on the ground that if you once tampered with it you could have no final settlement; that every year—I will not say every year, but every period—when a Party was in distress and wished to increase and strengthen their popular balance, a new Bill would of course be brought forward, and that we should soon have had, as was adumbrated in many speeches at the time, a £5 borough franchise. I, and many others were sick of these proposals of £7, £6, or £5, and this tampering with the liberties and franchises of the people for 10s. or 20s., and accordingly we brought in a measure which would meet the difficulties of the case, and upon the success of which

the right hon. Gentleman has to-night congratulated us. Then the right hon. Gentleman has made a severe answer to the right hon. Gentleman the Member for the University of London (Mr. Lowe), whose speech he says might have been made in opposition to Lord Grey's Parliamentary Reform Bill of 1832. There is no end of saying things of that kind. I might say, for instance, to the right hon. Gentleman the Member for Birmingham—"Why have you just made a speech which might as well have been made in favour of a Parliamentary Reform Bill based on manhood suffrage?" For every single argument of his tended in that direction and indicated that course. The right hon. Gentleman also took refuge in a very original observation—namely, that the debate now going on in the House was not on a Party question. Why, we have heard this every night and on every subject. Hardly any colonial, financial, or other question has been brought before the House this Session that has not been baptized by that title of peace. The right hon. Gentleman had in this case, however, some reason for the statement, because the scope and tendency of his speech was entirely to throw over the hon. Member for the Border Burghs (Mr. Trevelyan) and his Motion. The hon. Gentleman the Member for the Border Burghs, for reasons which he deemed good, brought forward Resolutions to-night which not only aim at equalizing the franchise between counties and boroughs, but meeting objections which he deemed valid, which had been urged before, he also proposed that the House should reconsider the re-distribution of seats. That was the Motion, and the hon. Member for the Border Burghs and the hon. Baronet the Member for Chelsea (Sir Charles Dilke), his most efficient supporter, were not justified in making their speeches unless they were prepared to adopt this combination of measures. That is the very basis on which this Motion has been made to-night; but what says the right hon. Gentleman the Member for Birmingham? He says he is not one of those who approve the policy of considering the re-distribution of seats. He does not admit that it is at all a corollary of the other question. He protests against their being combined together, and he makes a speech which, as an avowed supporter of the hon. Member

for the Border Burghs, he was not justified in making, for it was an argument against the very policy which the hon. Member for the Border Burghs has pressed upon us to-night. When this question of equalizing the franchise in boroughs and counties was first brought forward, it was my duty to oppose the proposition, and I opposed it on broad grounds. I said that by this measure of reducing the county franchise to the level of the borough franchise you will have an enormous increase in the constituencies. I gave figures, and I am almost tired of giving figures to the House on a subject on which it has been my duty to address them so often. However, I gave figures which may not be as striking as those to which the right hon. Gentleman the Member for the University of London has adverted, and which are to be found, I believe, in a pamphlet of great authority, but which I have not had an opportunity to look at. Still, the figures I gave were taken from authentic records and Parliamentary Returns. From them I showed that we had in England and Wales 1,800,000 houses in the boroughs, which furnished us with 1,250,000 electors giving the proportions of votes to houses as 25 to 36. I further stated that in counties there were 2,500,000 houses and 720,000 voters, and the House saw from the Returns upon the Table that the figures would add 1,000,000 of voters to the counties, and cause the county voters to exceed the borough voters by 500,000; and I said—I take the liberty of quoting my own words—

“Now as to the result, 1,740,000 county voters would return 187 Members to Parliament, while 1,250,000 borough voters would return 297 Members.”

The House felt that that was a state of affairs which it was impossible for the moment to admit, and the hon. Gentleman the Member for the Border Burghs, and the hon. Baronet the Member for Chelsea, admitted that it was impossible for them to say that nearly 2,000,000 of voters should return only 187 Members to Parliament, while little more than 1,000,000 returned 297. Everybody said, indeed, that that was a proposition which never could for a moment be entertained by Parliament, and I call the attention of the House to this fact, that the necessary consequence of adopting

the policy which the right hon. Gentleman the Member for Birmingham professes to-night, and which I did believe he was the only person of authority who could for a moment sanction, was a great re-distribution of political power—one that must necessarily break up the borough system of England. I gave no opinion on the expediency or inexpediency of following that course, as another time would come for the consideration of that question. All I did was to impress upon the House the facts to which I have alluded. Well, Sir, the hon. Gentleman the Member for the Border Burghs and the hon. Baronet have admitted frankly and completely to-night that the view I took was a just one—one which has been adopted by the House and the country—and that they have felt that this question could never be brought before us again unless the extension of the franchise was associated with the re-distribution of seats. I cannot say that I think the manner in which they have dealt with the second part of the question is entirely satisfactory. Still, it is, at least, a homage to the convictions of Parliament. The hon. Baronet said—We have come forward to-night with a complete scheme of re-distribution. Now, the language I find on the Paper on that subject is scarcely satisfactory. The second Resolution is—

“That it would be desirable to so re-distribute political power as to obtain a more complete representation of the opinion of the Electoral body.”

Well, I think that before the House could sanction any Motion of the character of the first Resolution we should have a statement of the principles on which the re-distribution is to be made. The right hon. Gentleman the Member for Birmingham will not give any attention to the subject, and his whole argument has been not only in favour of the lowering of the franchise, but against a re-distribution of seats. [An hon. MEMBER: No.] Yes. The right hon. Gentleman may take refuge in saying that when we have got an extension of the franchise then we can consider the question of re-distribution, but at this moment he has advocated a lowering of the franchise without a re-distribution of political power. Well, from the right hon. Gentleman I expected nothing, but

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I certainly expected from the hon. Member for the Border Burghs, and especially from the hon. Baronet, who is very learned in Parliamentary statistics, that we should have some idea of what, after all, is one of the greatest Parliamentary revolutions that could be carried into effect, even in what the hon. Baronet said might be a more mitigated form. Sir, I contend, as I have ever contended, that we cannot deal with the franchise of this country or extend it in any way without some general survey of the distribution of political power, and, without going back to 1832, I beg to say, with reference to the measure of 1867-8, that the re-distribution was by no means contemptible; 45 new seats were added to Parliament. The absolute necessities and claims of the most considerable counties were entirely met, and a number of very considerable towns were enfranchised. The fact that 45 new Members were introduced into the House shows at once, as regards the re-distribution of political power, how very considerable the measure was. Well, now, I want, before we divide, to bring before the House the real question for its decision. The question before us is not the political biography of the right hon. Gentleman the Member for Birmingham—although a more interesting and agreeable one it would be somewhat difficult to find; it is not the Bills on the subject of Parliamentary Reform which I may have brought in; it is not what financial and economic measures have been passed during the last 30 years; it is not any of the various questions which the right hon. Gentleman has included in his self-complacent catalogue; we have before us a very important, but very single and simple issue. It is really pretty well the same question as we had before—namely, a proposition to lower the franchise in counties to the same rate as exists in boroughs; because, although we have had a great homage to truth paid by the acknowledgment that the House ought to come to some Resolution as to the re-distribution of political power, that part of the subject has not been placed before us in that practical way which alone would enable us to deal with it. We must urge against the proposition of the hon. Gentleman the argument that we have urged before—Your Resolution, if it were carried,

would add enormously to the county constituency, and this county constituency, with its enormous numbers, would command much fewer seats in this House than the borough constituency, with its numbers so diminished comparatively with the counties. You cannot practically advance in this way without breaking up your present borough constituencies. The question is, are you prepared for that? Do you think it desirable that it should be broken up? Because it is vain to suppose that when you come to business in this matter you can take refuge in the vague expressions of the hon. Member for Chelsea, that men of the world would know how to manage these things, that when the changes take place they will not be so great as we anticipate, that some Gentlemen may lose their seats, but that if they do they will come in for others. These are not considerations that you can put into a Parliamentary schedule. Here are the facts. That a constituency of 2,000,000 will be represented by 143 votes, while a constituency of 1,200,000 will be represented by 300 votes in Parliament. Everyone believes that if it came to a vote in favour of equalizing suffrages the necessary consequence must be that we should pledge ourselves to a policy which must destroy entirely the whole of the borough constitution. Some of it may be re-constructed. I do not mean to say that Parliament would not recover or survive such an event, or that the House would entirely consist of the Representatives of electoral districts. But do not conceal from yourselves that it will immensely alter the character of Parliament and in a great degree affect its popular character. The variety of character which this House derives from its municipal communities is one of the important features of Parliament and one of the richest elements of representative power. This, then, is the issue before us. We must not be distracted from it by the speech of the right hon. Gentleman the Member for Birmingham, which had in fact nothing to do with the question. It is a mere plea for a wide extension of the franchise, without a due and statesmanlike consideration of the consequences of such an act. I therefore trust the House will vote against it, and oppose the Resolution of the hon. Member for the Border Burghs.

MR. TREVELYAN wished to say a few words in reply, as very few Members were in the House when he moved his Resolution, and one of those who had followed him had contrived greatly to misunderstand him. The right hon. Gentleman (Mr. Lowe), who in old days led the Conservative Party from the back benches of the Liberal Party, now appeared to lead those Conservatives from the front benches of the same Party. The absence of the noble Marquess the Member for the Radnor Burghs was regrettable, but it was now seen to be explicable. It now appeared that their Leader took counsel, not with the majority of his supporters in that House and the country, but with the right hon. Gentleman the Member for the University of London, and to spare his susceptibilities the chosen Leader of the Liberal Party was not in his place to-night. The right hon. Gentleman taunted him with not having given any practical reason why his Motion should be adopted, but he should be so audacious as to attempt to give the right hon. Gentleman a lesson in history. The franchise was extended in 1832, and the consequence was that within two or three years slavery was abolished, municipal government was set up in our towns, the Church of England was reformed to a state in accordance at least with the feelings of Churchmen, the Corn Laws were abolished, and the fiscal condition of the country improved with great rapidity. The franchise was extended in 1867; and what was the consequence? The Factories and Workshops Acts were dealt with so as to protect the women and children employed there; the Artizans' and Workmen's Act was passed, and was supplemented by the excellent measure passed by the Home Secretary on the same subject last year; protection was given to miners; the power of wealth was abolished in the Army; Acts of great importance were passed relating to Ireland which he did not expect hon. Gentlemen opposite to approve, but which he knew the right hon. Gentleman (Mr. Lowe) approved very strongly; and, finally, the education of the country was extended in a manner with which hon. Gentlemen opposite found fault in some respects, and with which hon. Gentlemen on his own side found fault in other respects, but which both Parties agreed to have been an immense improvement.

Judging from experience, therefore, a further extension of the franchise would result in a fresh crop of beneficent legislation; and, believing that the enfranchisement of the agricultural labourers would have this result, and would give us a better Parliament, he hoped that the House would, at all events, support the first of the two Resolutions.

MR. NEWDEGATE: I would not have risen after the hon. Member for the Border Burghs has replied, but I failed earlier to catch your eye, Mr. Speaker, had I not some information that I desire to convey to the House. I have made inquiries with regard to the means by which the meeting in London was brought together in support of these Resolutions, as well as a similar meeting which has been held in my division of Warwickshire. The former meeting has been spoken of as if it were spontaneously drawn together solely by the action of the labourers themselves. We, who live in North Warwickshire, know something of what is going on in Birmingham; and to-night I presented a Petition to the House from a meeting which was held at Merriden, in North Warwickshire, but which really emanated from Birmingham; that Petition was in favour of, and embodied the terms of, the Resolutions of the hon. Gentleman the Member for the Border Burghs. I thought it rather strange, after my speech and my vote of last year upon this question, that I should be desired to present such a Petition, so I set myself accurately to ascertain from whom this Petition really came; and I discovered that the meeting at Merriden, at which the Petition was adopted, was attended by two delegates from the Liberation Society and by the President of the Labourers' Union. One of the delegates from the Liberation Society informed the meeting that, finding the action of the Labourers' Union was parallel with that of the Liberation Society, that Society had elected the President of the Labourers' Union, Mr. Arch, to be one of the Council of the Liberation Society, and that the future action of the two bodies would be combined. When, therefore, we hear the hon. Member for the Border Burghs citing the advantageous legislation which this House has from time to time carried out, and the peaceful state of this country as the effects of the last Reform Act; when,

too, we hear the right hon. Gentleman the Member for Birmingham (Mr. John Bright) assuring us that, if we do this act of what he calls justice to the agricultural labourer, the future legislation of this House will be as moderate, as reasonable, and as beneficial as it has hitherto been—I beg to mention to the House that this does not seem to be the expectation of those who convene these meetings. I assert this from what occurred at this meeting in Merriden. At that meeting it was boldly stated that the clergy of the Church of England have robbed the people of education. Mr. Arch declared that he challenged any one to contradict that assertion; and, speaking of the farmers also, he accused them of having caused pauperism and misery among their labourers; and, quoting an expression once used in this House by a Member of the House, and applying this expression to the clergy and the farmers, he said—"It is our object to unmask these villains," and inferred that he would treat them accordingly. Such are the objects of those who, being out of this House, are promoting the Motion now before it. Sir, I do not believe that the agricultural labourers will generally unite for such objects; I am firmly convinced that the working classes would not unite for such objects; yet it is for those objects that they are invited to give their support to the Motion of the hon. Member for the Border Burghs. His active supporters are, indeed, those who would bring the clergy and the farmers of the country into antagonism with the labouring classes of the country. I think it right, therefore, when we have a Motion like this brought before us, and laudatory allusions are made to the peaceful manner in which it is supported in the country, that the House should know what are the ulterior objects of the prime movers and promoters of these meetings, and that the peaceful assurances which we receive here should be contrasted with the language that is used elsewhere. I am not surprised that the right hon. Gentleman the Member for Birmingham should seem so anxious to get rid of the question of re-distribution of seats. He and I have some recollection of what occurred during the re-distribution of seats that followed upon the Reform Act of 1867. There happened to be a large parish

forming part of Birmingham—the parish of Aston—in which is situated property belonging to the Corporation of Birmingham, and it was proposed by the Boundary Commissioners that that parish should be included in the borough of Birmingham, but the right hon. Gentleman, who is so zealous for the extension of the household franchise elsewhere, joined a combination in this House to overrule the decision of the Boundary Commissioners, and by excluding Aston from the borough he represents, he deprived thousands of his neighbours of household suffrage, and left them to be, as I conclude he thinks, misrepresented by myself and my Colleague as county Members. The right hon. Member seemed to fear that he might have too much of household suffrage near home. The right hon. Gentleman has now recommended that the re-distribution of seats shall be postponed, until after the extension of household suffrage to the county constituencies has been effected. Many of the county constituencies would thus be encumbered by an enormous and disproportionate number of voters; and the right hon. Gentleman actually proposes that to a House of Commons, returned by these reformed constituencies, acting as a sort of confused Convention, should be committed the delicate task of re-distributing the seats for all the constituencies. I will only, in conclusion, say that the warning given by the right hon. Member for the University of London seems to me founded in true wisdom; and that the proposal submitted to the House in the first Resolution without the second appears to me inconsistent with common sense.

MR. PARNELL, who spoke amid loud cries for a Division, was understood to express his intention to support the Motion with a free heart, because there was no distinction drawn between one part of the country and another, and it would include Ireland.

Question put.

The House *divided*:—Ayes 165; Noes 264: Majority 99.

PARLIAMENT—EXCLUSION OF STRANGERS. — SESSIONAL ORDER.

MR. DISRAELI moved for the renewal of the Sessional Order made last Session, providing that Strangers be excluded on the Motion of any hon. Member

only upon a division, to be taken without discussion or Amendment, stating that the concurrence of opinion on both sides of the House, which had been ascertained, was that the Order should not be made, as had first been proposed, a Standing Order.

Motion made, and Question proposed, "That the Order of the 31st day of May 1875, relative to the Exclusion of Strangers, be made a Sessional Order."—(*Mr. Disraeli.*)

MR. RYLANDS said, he did not desire to take a course that was unreasonable or unfair; but as there was no urgent necessity, and as they could not have the matter reported in the public Press, he thought it would be better to move the adjournment of the debate.

MR. PARNELL seconded the Amendment.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Rylands.*)

MR. J. COWEN thought a Motion which involved the honour, and to some extent the interest, of a Gentleman who had a seat in that Assembly, should not be debated at that hour, and therefore he was sure that the right hon. Gentleman opposite, whose conduct was always marked by a sense of fairness, would allow this debate to be adjourned until the collateral points could be discussed.

MR. DISRAELI said, that was a mistake. The other Motion by the hon. Member for Londonderry (Mr. Lewis) now stood as a separate Motion, and had nothing to do with his.

MR. BUTT objected to the Motion being agreed to without full debate and consideration. If carried it would be fatal to freedom of discussion, and would be an encroachment on the privileges of hon. Members. It would establish a precedent for carrying a Motion without debate. He had an Amendment to propose.

MR. DISRAELI: I was not aware that the hon. and learned Gentleman was going to move an Amendment, otherwise I should not have pressed the matter. I have no objection to the adjournment of the debate.

Motion agreed to.

Debate adjourned till Tuesday 13th June.

Mr. Disraeli

FRIENDLY SOCIETIES ACT (1875) AMENDMENT BILL.

On Motion of Mr. CHANCELLOR of the EXCHEQUER, Bill to amend "The Friendly Societies Act, 1875," ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. WILLIAM HENRY SMITH.

Bill presented, and read the first time. [Bill 177.]

PUBLIC HEALTH (IRELAND) BILL.

On Motion of Sir MICHAEL HICKS-BEACH, Bill for consolidating and amending the Acts relating to Public Health in Ireland, ordered to be brought in by Sir MICHAEL HICKS-BEACH and Mr. SOLICITOR GENERAL for IRELAND.

Bill presented, and read the first time. [Bill 178.]

House adjourned at half after One o'clock till Thursday.

HOUSE OF LORDS,

Thursday, 1st June, 1876.

MINUTES.]—PUBLIC BILLS—*First Reading*—Elementary Education Provisional Order Confirmation (Hornsey) * (104); Local Government Board's Provisional Orders Confirmation (Carnarvon, &c.) * (105); Bankruptcy (106).

Committee—Report—Trade Union Act (1871) Amendment * (98); Tramways Orders Confirmation (Bristol, &c.) * (60); Oyster and Mussel Fisheries Order Confirmation * (86); Salmon Fisheries * (72).

Third Reading—Gas and Water Orders Confirmation (Chapel-en-le-Frith, &c.) * (59); Treasury Solicitor * (76), and passed.

Royal Assent—Customs and Inland Revenue [39 Vict. c. 16]; (£11,000,000) Consolidated Fund [39 Vict. c. 15]; Burgesses (Scotland) [39 Vict. c. 12]; United Parishes (Scotland) [39 Vict. c. 11]; Drugging of Animals [39 Vict. c. 13]; Chelsea Hospital Accounts [39 Vict. c. 14]; Poolbeg Lighthouse [39 Vict. c. 18]; Local Government Provisional Orders [39 Vict. c. 13]; Local Government Provisional Orders (No. 2) [39 Vict. c. 14]; Local Government Provisional Orders (No. 3) [39 Vict. c. 15]; Local Government Provisional Orders, Briton Ferry, &c. (No. 4) [39 Vict. c. 16]; Local Government Provisional Order, Skelmersdale (No. 5) [39 Vict. c. 17].

BANKRUPTCY BILL.

BILL PRESENTED. FIRST READING.

THE LORD CHANCELLOR: My Lords, I have to ask your Lordships to allow me to call attention to a subject

which I am afraid will not appear to be one of much interest, but which really is of great importance to various classes in this country—particularly to the mercantile and trading classes. I do not propose to go into the history of the Law of Bankruptcy in this country, or of the various changes which it has undergone; but I may remind your Lordships that the course of legislation on bankruptcy in this country has shown very remarkable fluctuations between extremes. Up to 1832 to a great extent the control of proceedings in bankruptcy was left to the creditors or those who directly represented the creditors in the bankruptcy. That system was thought to result in considerable evil and disorganization:—a change was called for, and in 1832 commenced a period of what may be described as “officialism”—that is, bankruptcy proceedings were, to a greater extent than had been the case previously, intrusted to the Court of Bankruptcy, and to officials paid by salary was confided the task of winding-up estates in bankruptcy. That continued from 1832 until 1861. In the latter year the tide had set in a different direction, and an advance was made towards giving the creditors once more the control of bankruptcy proceedings. That movement was consummated by the Act of 1869—the present Law of Bankruptcy—which to a greater extent than perhaps had ever before been contemplated, handed over to the creditors of the bankrupt the control and administration not only of the bankrupt’s estate, but of all arrangements in the nature of bankruptcy. But, my Lords, this produced evils which are now greatly complained of. Great complaints were made before 1832; but from 1832 to 1869 there were other complaints—namely, complaints that the creditors of a bankrupt were not allowed to manage the bankrupt’s affairs. I am sorry to say that since 1869 the discontent has not ceased—on the contrary, there are now great complaints of the working of the last Act relating to bankruptcy. Those complaints were laid before me in the course of last year, and I determined to appoint a small Committee of those who were best qualified to judge of the matter, in order that such Committee might consider and report whether any change by legislation, or by means of General Orders,

was necessary to abate the evils which have arisen in the working of the Bankruptcy Act of 1869. I should like to mention the names of the members of that Committee. First there was Mr. Kettle, a County Court Judge, who has great practical knowledge of the working of bankruptcy proceedings. Then there was Mr. James R. Brougham, the experienced Registrar in the London Court of Bankruptcy; next, Mr. Mansfield Parkyns, the Controller in Bankruptcy, who makes an annual return as to the expenses of bankruptcy; then Mr. Henry Nicol, an officer of the Treasury, to whose care the details of the finances of the County Courts are intrusted; and, lastly, Mr. W. Hackwood, who, perhaps, more than any other professional man, has practical experience of the working of the bankruptcy system. The Committee made a Report which is now before your Lordships, and which is not the less valuable because of its conciseness. Before calling your Lordships’ attention to some of the statements in the Report, it may be well that I should state that, in point of fact, the cases in which actual bankruptcy occurs in this country are rare. There are various ways in which, when a man becomes unable to meet his engagements, he and his property may be dealt with. In the first place, he may be made a “bankrupt” in technical form, and remain so until he has been “discharged” and his property has been divided among his creditors. In the second place, a man may be made a bankrupt, but that proceeding may be displaced by a composition or deed of arrangement with his creditors, which would put an end to or supersede the bankruptcy. In the third place, without a technical bankruptcy, a debtor’s property may be made the subject of a deed of arrangement and distribution among his creditors. In the fourth place, the creditors, without making the debtor a bankrupt, may agree to a composition, and liberate the debtor from the full amount of his debts. Now whether there is an arrangement with bankruptcy or a composition without bankruptcy in all cases action in the matter proceeds on a resolution by the creditors, and the minority of the creditors, whether they like the arrangement or not, are bound by that which is decided by the majority. Your Lordships might like to know the comparison in point

of numbers between the cases in which bankruptcy results and those in which there are arrangements or compositions. I have got a Return for the year 1875, and I find that there were in that year adjudications in bankruptcy, 965; liquidations by arrangement, 4,233; and compositions with creditors, 2,691—so that there were as nearly as possible 7,000 arrangements and compositions, as against 965 bankruptcies, or, in other words, the bankruptcies were only about one-eighth of the whole number of cases. When I came to the property dealt with, I found the results still more curious. In the same year the liabilities in the case of the bankruptcies were £6,981,240; those in the case of the liquidations by agreement no less than £12,443,999, and those in the case of compositions, £6,068,405. The assets realized were in the case of actual bankruptcies, £960,755; in that of liquidation by arrangement, £4,598,473; and in those of composition with creditors, £1,773,551. Your Lordships will see, therefore, that the interests involved in the case of liquidations and compositions are, one might almost say, infinitely larger than those involved in the case of bankruptcies proper. As these liquidations and compositions appear to be so largely favoured by creditors, it might seem that there ought to be no reason to be dissatisfied with the result. If, indeed, they were in all cases freely entered into, without compulsion or restraint, there would seem no reason for interfering; but when I lay before your Lordships a few more facts, I think you will come to the conclusion that in very many cases these liquidations and compositions are not freely entered into, but that great pressure is brought to bear on creditors in order to make them consent to such arrangements. Before I go further I will ask your Lordships' attention to this passage in the Report of the Committee—

“We find a general concurrence of opinion that the Act of 1869 has not in its working satisfied the expectations of the public, inasmuch as it affords great facilities for a debtor to relieve himself of his liabilities, while there is great extravagance in administering and long delay in winding up estates.”

Now, to show your Lordships how the system works, I will first take the case in which the debtor is actually made a bankrupt. The principle of the Act of

1869 is that in this case the creditors should choose as their trustee a person in whom they have confidence, and that the trustee should undertake the responsibility of getting in and realizing the property of the bankrupt and dividing it among his creditors. In theory nothing can be more plausible than that; but it is not found to work at all well in practice. In the first place, your Lordships will find that which is not to be wondered at in a body which has no harmony—namely, that it is impossible to get all the creditors to work together. In general, only one or two would occupy themselves with the matter, but by far the greater number would interfere very little in the business, and what ought to be done by the body at large is generally left to one or two persons. It is necessary that the body of creditors should be allowed to vote by proxy, and there is scarcely a case in bankruptcy where the person who desires to become trustee does not obtain proxies from the creditors sufficient to his own appointment. The way in which trustees are appointed is thus described by the Committee—

“It happens, not occasionally, but so frequently as almost to form the rule, that a stranger, so far as appears on the face of the proceedings, is enabled, by the proxies he has obtained, to vote himself trustee, to fix his own remuneration, to nominate the committee of inspection, to order the payment of his costs, and finally to vote, in liquidation cases, the debtor's discharge. We report, both upon our own experience and upon the information we have collected, that nearly all the evils which have led to so much dissatisfaction with the working of the Act of 1869 can be traced to the direct or indirect effect of the proxy system; and that in our opinion no effectual check can be given to these evils so long as remunerative employment is the prize for which proxies can be used.”

My Lords, that is a very serious and solemn censure of the mode in which trustees are appointed; but, turning to the Report of the Controller in Bankruptcy (*Parl. Paper* 210), I find this further information—

“The total number of estates pending on the 31st of December, 1875, was 3,191. . . . In 98 of these pending cases the trustees cannot be found. The number of reports made by me to the Courts on the conduct of trustees, during the year was 446. In 228 cases the trustees complied before the hearing of the summons; in 181 cases orders were made against the trustee, 162 of which have been complied with; in 30 cases the trustee could not be served with the summons; and 7 cases are still pending.”

The Lord Chancellor

Thus, my Lords, out of the whole number of persons entrusted with the most important of duties in connection with bankruptcy one-sixth of the whole were in default in the execution of their duties, and this in one year. But there is even worse than that, my Lords. I ask your Lordships' particular attention to these facts, which are stated by the Committee—

“In one case where the receipts were some £700, received by the trustee in one cheque, the costs allowed to him and to the solicitor greatly exceeded the £700. The Controller has a list of 25 bankruptcies, in which the same person was trustee, the remuneration voted to him by the creditors—*i.e.*, by himself as their proxy—was in every case most excessive, in some instances exceeding the receipts. In only two instances did creditors personally attend, and in one it was stated by one of them that he was promised payment for attending. In another case, where the trustee had been allowed some hundreds, he claimed a further sum of £130 for closing the bankruptcy; the solicitor, who had also been allowed some hundreds, claimed £50 odd for the same six months, and an examination of the bill showed that not a dozen of the items were other than charges for doing trustee's work. Among them were journeys to see the trustee to explain his accounts, writing on same, making out trustee's accounts, fair copies of same, entering them in the trustee's books; while the accounts were the receipt of one sum on the debit side and half-a-dozen payments to the trustee and solicitor on the credit. In another, in a County Court, the receipts amounted to £107, paid to the trustees in two sums. Out of this the trustee disbursed £44 in four items, and then persuaded the creditors to vote him the balance, £63, for his remuneration. The Registrar of another Court, having struck off £150 from a solicitor's bill, the trustee called a meeting of creditors—*i.e.*, of himself and solicitor—and voted £150 additional remuneration to the trustee, who handed it over to the solicitor. It is but just to say that where the trustee is an honest man of business the results are satisfactory. I have before me a statement of 20 bankruptcies and liquidations, in which the total receipts were £11,404, and the trustees' remuneration but £565, or 5·1 per cent, and the total solicitors' costs but £750, or 6·6 per cent. The trustee in these cases was for years a chief clerk in a County Court before 1869, when he resigned.”

My Lords, after these instances, your Lordships will not be surprised to hear the views which the Committee take in reference to the expense of this system. The Committee state—

“It may, perhaps, have been expected that the introduction of the present system of administration by paid trustees would lead to a reduction of expense, on the ground that accountants or other persons experienced in bankruptcy administration would undertake the realization

and distribution of the property of debtors for a fair commission to be agreed beforehand; and that being themselves well acquainted with the rules and practice of bankruptcy, they would not need the general and costly assistance of solicitors formerly needed by unpaid and inexperienced creditors' assignees. The great majority of bankruptcies under the present Act have been wound up by professional trustees, mostly described as accountants, but a number sufficient for comparison have been wound up by creditor trustees, who, though generally accepting remuneration, appear to have been at least as dependent on their solicitors as if they had been unpaid assignees. Ninety-four bankruptcies with assets between £500 and £5,000 (averaging £1,112) which have been wound up by creditor trustees, have cost on an average £244 per estate, which seems a very large average for the class of bankruptcies, and considering that heavy Court fees are no longer levied for the expenses of the Judicial establishment. This amount, however, includes about £100 charges and expenses for which the trustee is not responsible, the expenses referable to the creditor trustee being £43 for his remuneration, and about £101 for his solicitor's charges and incidental expenses. In 204 bankruptcies of the same classes (averaging £1,258), which have been wound up by professional trustees, the expenses averaged no less than £321, or (deducting £100 as above) the expenses referable to the professional trustee were 55 per cent greater than those of the creditor trustee, being £106 for the trustee's remuneration and £115 for his solicitor's charges and incidental expenses. It appears, therefore, as a rule to which there have been two or three, but only two or three, striking exceptions, that neither the experience of the professional trustees nor the large sum paid them for realizing the estate, has prevented their incurring at least as heavy solicitor's charges as when the solicitor's bill included nearly the whole charges of realization.”

My Lords, that is the manner in which we find that bankruptcies proper are dealt with by the trustees; but now I will refer to what appear to me to be even greater evils than those which the Controller and the Committee describe in the extracts which I have just read to your Lordships. In actual bankruptcy, abuses in the administration of the estate may be corrected if brought before the Court; but I am now about to refer to the much larger number of cases in which the control of the trustee is much greater, because in liquidation or composition the trustee is absolutely master of the situation. He is chosen, in the first instance, in the way I have described, and he decides as to debts which ought to be proved, and, in fact, as to everything which ought to be done in the liquidation of the estate, or the payment of the composition. Here is an extract from a letter addressed to me in

January last by the Secretary to the Mercantile Law Amendment Society—

“A debtor can now file a petition for liquidation by arrangement, and convene a meeting of his creditors at any time within a month, and almost at any place he pleases, and if at such meeting a majority in number, representing three-fourths in value of the creditors there present, or represented by proxy, pass a resolution agreeing to a composition, and such resolution is afterwards confirmed at a second meeting, by a bare majority in number and value of the creditors present, or represented, such arrangement is binding on all the creditors. As a rule, the chief creditors rarely attend such meetings, and the result is that the debtor, by the aid of proxies of friendly, bribed, oftentimes of full-secured, and sometimes of fictitious creditors, can get released from his debts upon almost any terms he thinks fit. The Controller of the Bankruptcy Court in the annual Reports to Parliament states that there has been a continued and regular decrease in the rate of composition allowed by debtors to their creditors in each year since the commencement of the Act.”

My Lords, that is a serious statement coming from a body of that kind. Allusion is then made to a remarkable fact commented on by the Controller in his Report of last year—namely, the increase in the number and the increase in the value of compositions. The Controller says—

“I have again to call attention to the increase in number and decrease in value of compositions paid to creditors under Section 126, which, continuing year by year since the commencement of the Act, can hardly be attributed to temporary causes, or explained in any satisfactory manner. The number of compositions registered has increased from 1,616 in the year 1870 to 2,691 in the year 1875, the additional 1,075 cases being thus accounted for:—Increased number of compositions—not exceeding 1s. in the pound, 465; from 1s. to 2s. 6d. in the pound, 434; from 2s. 6d. to 5s. in the pound, 300. Increase in number of compositions at the lowest rates, 1,199: decrease in number of compositions at higher rates, 124—total, 1,075.”

My Lords, I am sorry that what you have heard does not represent the whole of the evil, because I find that there is too much reason to believe that even those small compositions which the minority of the creditors are forced to accept are not paid. The Controller says—

“The loudest and most general complaints against the present system are against these arrangements and compositions, and yet practically everything is drawn into them. Out of £5,432,000 assets declared by debtors in the year 1874, £4,946,000 (or more than 90 per cent) were under these two sections. In the same year, out of 2,549 compounding debtors

(under Section 126) only 162 were able to pay their creditors more than half they owed them, while 1,803 were unable to pay more than one-fourth, and 1,059 of these not more than one-eighth, including 501 debtors whose compositions averaged a few pence in the pound. The trustee, who is not unfrequently the debtor's agent, can generally, by proxies held by himself or his solicitor, resolve his own release and make his own terms with the debtor for a discharge from his debts; and as the trustee's accounts are, for some reason, specially exempted from official supervision, nothing is officially known of the results of administration except that general rules requiring the taxation of charges and other important matters are disregarded, and that the trustees appropriate the undivided balances and unclaimed dividends, which may be very largely manufactured in liquidations by arrangement, and that they can employ the funds in hand to their own advantage. The same agents practising in both, it cannot be doubted that they who profit too much in bankruptcy profit much more in liquidations, or that unless there is some hidden advantage to creditors sufficient to more than balance the many and manifest disadvantages, the surprising preponderance of liquidations by arrangement may be more reasonably attributed to the influence of agents than to discriminating preference on the part of creditors. In the year 1874 there were 4,400 liquidations by arrangement, with assets amounting to £3,462,000, against a total of 930 bankruptcies, with assets amounting to only £485,000, and the assets in the liquidation were of the class that would bear a very much larger amount to be abstracted from them by expenses or otherwise, and yet pay very much larger dividends to the creditors, there being on an average £31 assets in liquidations, and only £13 in bankruptcies, to every £100 liabilities.”

Now, my Lords, I have, I think, stated enough to satisfy your Lordships that there is justice in the complaints made by these creditors who are in the minority as to the way in which those liquidations and compositions are worked. I have now come to another class of serious evils which have been pointed out. In the case of liquidation by arrangement under the present system there is no audit. The creditors might be able, perhaps, by a process of law to call the trustee to account; but there is no audit that the trustee must submit to, or which any Court, by summary process, could compel him to pass. Under the old system of insolvent estates there was a very large sum of money paid into Court in the shape of dividends which were never called for. I think I am not wrong in stating that it accumulated until it amounted to some millions sterling. Some years ago that money was, by the authority of Parliament, taken for public uses—of course, on a

guarantee that payment would be made out of the public funds to any persons who could prove a claim against any portion of the money so taken. But since 1869 there has been no control whatever over unpaid dividends; and this presents a serious and important question, the magnitude of which startled me when I came to consider it. There are now about 3,000 open bankruptcies—bankruptcies not closed under the Act of 1869; and between 16,000 and 17,000 arrangements and liquidations open—that is, 20,000 estates in which dividends have been declared. In this state of things the Controller has adverted to this question of unpaid dividends. He says—

“Under the present system, the funds collected are not paid into any public account, but left practically in the control of the trustees. The large and continually increasing balance in hand, which arises from the excess of aggregate receipts during a given period over payments accruing due during that period, cannot, therefore, be employed for the direct or indirect benefit of the creditors, except in rare cases; though a considerable portion may be employed for their own benefit by trustees who calculate on a continuance of business enabling them to pay dividends on older estates from assets to be realized in newer estates. The balance declared by trustees in bankruptcy proper for the 31st of December, 1875, amounting, with unclaimed dividends to nearly £500,000, it is probable, from the amount of assets given up, and from other circumstances connected with administration under liquidation by arrangement, that the total balance amounts to between £3,000,000 and £4,000,000.

This may be a very lucrative business to some persons, as we find that one person may be trustee of 25 different estates. A trustee may keep in his hands a very large amount of unclaimed dividends, because demands on the older estates can be more than paid out of the dividends coming in from the newer ones. The Controller says it is probable that the balance amounts to between £3,000,000 and £4,000,000. But that is not the whole, because that calculation only extends to what comes under the Act of 1869; and in a Return to Parliament it is stated that under trust deeds, between 1863 and 1869, principal to the amount of £42,500,000 had been received by trustees, and I believe I am correct in stating that there has been no audit of any of those accounts; and seeing that there is a balance of between £3,000,000 or £4,000,000 since 1869, it would not be easy to speculate as to the

portion of those £42,000,000 which may not yet be outstanding. Observe, my Lords, how this works—what a temptation there is to trustees to increase the amount of unclaimed dividends. Any one acquainted with dealings in the estates of insolvents knows how this can be done by a system of making frequent declarations of dividends of very small amounts—paying the money realized from the estate in such dribblets that there is the greater chance of creditors not coming forward to claim their dividends. This object may be further promoted by making the declaration of dividend as little public as possible, and also by putting as many obstacles as possible in the way of those who come forward to claim. I have gone through the difficulties of the present system:—and now, my Lords, as to our remedies. I will set out by saying that we desire to preserve, as far as possible, the principle of the Act of 1869, believing it to be good and wholesome, and that the evils arise from the defective manner in which it is carried out. The first improvement we propose to make in the present system is this:—This system on the one hand affords an inducement to creditors, and especially to creditors who are inflamed by temper, to make persons bankrupt who have been guilty of no misconduct, and whose trading has been perfectly *bonâ fide*. On the other hand, it offers an inducement to debtors who have misconducted themselves and incurred debts without a reasonable prospect of being able to pay them to run a race with them, and force them to a composition, which is agreed to, or apparently agreed to, by a majority of the creditors. We propose that in all cases of liquidation, whether the person initiating the proceedings is a creditor or is the debtor, that application should be made to one and the same Court for what I shall term, in the first instance, liquidation. Security will be taken that the application shall be in the Court of a district where the debtor is known, and where his creditors are to be found. There is no such security now. We propose that the Court should have power in the case of a trader debtor to make a liquidation order *nisi*; which may be revoked if the debtor shall show that the petition is insufficient, but which, if not revoked within a specified time, shall be deemed an order absolute

for liquidation. In case of a non-trader debtor, the Court will make an order *nisi* in the first instance, but will not make the order absolute, without direct proof. In the case of a non-trader debtor the Court, either in making the order *nisi*, or afterwards on making it absolute, may appoint a receiver of the debtor's property. When the order has been made absolute the debtor must, within a specified time, file a list of his creditors. All the creditors will be bound by the liquidation proceedings. Then a provisional committee of inspection will be formed to act until the first general meeting of the creditors. We propose that at the general meeting of the creditors a permanent committee of inspection should be appointed for the purpose of investigating the affairs of the debtor, and that the investigation should be held as soon as possible. The committee of inspection will appoint a receiver or trustee of the estate. At the second general meeting of creditors it would be for an adequate majority of the creditors to decide whether they would discharge the debtor or make him a bankrupt. Any proposal for a composition must be made with the knowledge of the committee of inspection; and in the adoption of such a proposal not only will a majority of the creditors be requisite, but the rights of the minority will be protected. We propose that the trustee shall be appointed, not by the creditors at large, but by the committee of inspection, and that he shall hold office at the pleasure and under the inspection of that committee at a maximum scale of remuneration. The use of proxies will be permitted; but if a trustee should use them for his own interest the Court will have a right to deprive him of his trusteeship. When the debtor has not been discharged by the second general meeting of the committee of inspection he, after six months, may apply to the Court for an order of discharge. If this be granted he will be released from all liabilities except debts incurred by fraud or breach of trust, debts due to the Crown, or penalties due to the Revenue, and, should there be any surplus of the estate, it would be paid over to the debtor. With regard to deeds of arrangements, which make over the whole property of the debtor, those will depend on the vote of a majority excluding secured creditors. We

propose, further, that all accounts in bankruptcy and in liquidation shall be audited, and that in all cases, whether the bankruptcy or the liquidation be closed or not, the whole of the property remaining in the hands of the trustees shall at the end of two years be paid into Court, so that there may be every inducement to the trustees to close each case, where it is possible, within two years. There are various minor provisions in the Bill to which I need not at this moment refer; but I may be allowed to say that the measure proposes to repeal the Act of 1869, so that the Bill may be complete in itself, containing the entire law on the subject with which it deals. I have only to add that, if the Bill receives your Lordships' sanction, I propose to introduce a Bill making corresponding alterations in the Debtors Act of 1869. I have only now to lay this Bill upon the Table, and ask your Lordships to read it a first time.

Bill to consolidate and amend the Law of Bankruptcy, and for other purposes—*presented by The LORD CHANCELLOR.*

LORD HATHERLEY said, that many attempts had been made to deal with the subject of Bankruptcy, and various Bills had been presented to Parliament during a long series of years with the purpose of amending that law; but, notwithstanding these successive attempts at legislation, experience had shown that they had proved inadequate to overcome the difficulties inherent in the subject, and continued complaints from the mercantile classes showed that further amendment was necessary. When he had the honour of filling the position now held by his noble and learned Friend on the Woolsack, he found that no fewer than three successive Law Officers—one of whom was Sir Hugh Cairns—had prepared Bills on the subject; and in the Bill which he himself (Lord Hatherley) brought in he embodied what he considered the most valuable portions of those Bills. That Bill passed the ordeal of the House of Commons after considerable discussion, and when it came up to their Lordships' House it was referred to a Select Committee composed of many eminent and learned Peers. It then came back to their Lordships, and finally became law. The causes to which the failure of the

Bill might be attributed were not far to seek—they were to be found, indeed, in the Report made to the Lord Chancellor by a gentleman eminently qualified to give an opinion on the subject. Mr. Mansfield Parkyns, in his Report, said—

“The special policy of the Act of 1869 was to give creditors the right to administer its provisions with the least possible official assistance. In the few cases where this almost exclusive authority has been prudently and diligently exercised the working of the Act of 1869 has not been unsatisfactory.”

The Legislature endeavoured to give the machinery to the creditors, and left it for them to use it, and in the concluding passage which he had just read, their Lordships had the key to the failure of the Act. What did they find as to the system of proxies? The Report went on to say—

“It happens not occasionally, but so frequently as almost to form the rule, that a stranger, so far as appears upon the face of the proceedings, is enabled by the proxies he has obtained to vote himself trustee, to fix his own remuneration, to nominate the committee of inspection, and finally to vote in liquidation cases the debtor’s discharge.”

This, however, could not be done except by consent of the creditors, because the Act gave the decision to a majority in number and three-fourths in value. There was a point of even greater importance than the abuse of proxies. The Report recommended that the debtor should be at liberty to petition for administration. That would revive many, if not all, the abuses of the present system, and he trusted this point would be re-considered, and that it would still be left in the hands of the creditors to choose their own trustee and their own mode of recovering their debts. He had that morning received from the secretary of a society for amending the law on this subject a statement that the reason why the existing Act worked so badly was because creditors could not be got to attend the meetings. It could not, however, be laid as a fault against a Bill that it did not work when no one would be at the pains to work it. The abuses connected with the system of trustees would be greatly under the regulation of the Court if its powers were properly put in motion. He trusted that the Bill would bring about an improvement in the choice and selection of the persons who were to act as trustees, and that it would also amend the abuses

connected with the system of proxies. The Bill should also deal with the large amounts said to be left in the hands of trustees. In all these cases their Lordships would find that the supineness of the large body of the creditors interested in the management of the bankrupt’s estate constituted a vast difficulty. In the management of public companies there was the same difficulty in interesting the shareholders, unless some calamity occurred; and in winding-up these companies great scandals had arisen just as they had occurred in bankruptcies, and in a considerable degree from the same cause. Creditors would not bestow that care and attention which the administration of a bankrupt’s estate required. If the dividend were very small they wrote it off their books, and treated it as a bad debt; and, on the other hand, when the creditor’s debt was very large, he was very unwilling that his name should appear, especially if the bankruptcy threatened to be unpropitious—he did not wish the world to know of his loss any more than he could help, and he therefore abstained from appearing in the proceedings. It was in the power of the creditors to settle the terms on which a trustee should hold property, and the deed had to be enrolled with the registrar, where any creditor might see it. He regretted that the financial portion of the Bankruptcy Law, which was favourably spoken of in the sensible Report of Mr. Parkyns, had not been submitted to the same scrutiny as its other provisions.

Bill read 1st; to be *printed*; and to be read 2nd on *Thursday* the 22nd instant. (No. 106.)

TURKEY—THE SECOND NOTE OF THE THREE POWERS—THE DESPATCH.

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LORD CAMPBELL asked Her Majesty’s Government, Whether they object to present the despatch in which they have refused to concur in the proposals recently agreed upon at Berlin? When on Monday last he asked the noble Earl the Secretary for Foreign Affairs, whether the Government objected to produce this despatch, he did not put the Question because he thought their decision stood in any need of explanation or defence; on the contrary,

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had they come to an opposite decision, then he would have thought both explanation and defence might have been required, although they would not have been easy to give. The production of the despatch might lead to three desirable effects. One was, that it might tend greatly to reclaim France and Italy from the unhappy course into which they had been hurried; secondly, it might retard the application of the proposal in which Her Majesty's Government were not able to participate; and, thirdly, it would tend to uphold the advisers of the Porte in listening to the counsels of its friends, and in turning a cautious ear to the proposals of its enemies. He would, however, defer to the judgment of Her Majesty's Government, as they must be conversant with this important document. He was perfectly aware that since giving Notice, on Monday last, of his intention to put this Question, events had taken place which might make it imprudent to do now what might have been previously done consistently with sound policy. It would be premature to speak with any freedom upon what had recently happened on the Bosphorus, since to do so would raise a tumult of ideas even in minds the most insensible; but from information that had reached him he was able to assure their Lordships that among the British residents at Constantinople the event was viewed with joy and exultation, and with an increased sense of security. His own impression was that there was but one Embassy at that place by which that event would be bitterly lamented. The immediate and practical effect must be to secure the power of men who alone were able to regenerate the Empire, and whose power, under the late Sultan, would have had, at any rate, so precarious a tenure that it might at any moment have been overthrown. He trusted that what had occurred would tend to strengthen Her Majesty's Government in the determination to avoid any general Conference to which they might be invited—and which, in the present state of Europe, would be nothing but a snare, and in the determination in no manner to depart from the principles they had laid down, or the position they had occupied. The event might tend to increase their firmness in maintaining their present passive isolation, as it was calculated to add to their conviction that those who first endured would ulti-

mately conquer. Having weighed this event, he had arrived at the conviction that it ought not to be regarded as the effect of any sudden, impassioned, and unpremeditated impulse; but, on the contrary, that it had been long contemplated, and had been matured and deliberately organized, though rapidly accomplished. He trusted that there would be no objection to the production of the despatch referred to.

THE EARL OF DERBY: My noble Friend asks whether I now object to present the despatch as to which he put a Question 10 days ago. I have already stated the only objection I feel to making public any Papers on this question. I need not point out that it would be impossible to present a despatch containing certain proposals in which we have refused to concur without, at the same time, presenting the proposals themselves. My only objection to that, and the objection which still remains in force, is that these proposals, although agreed upon by the various Powers, have not been laid before the Government of the Porte, and cannot, therefore, be considered as a public document. The proposals are still in the condition in which they were when the Question was put to me previously—that is to say, though they have been agreed upon as between the proposers, they have not been formally placed before the Porte. I am, therefore, still unable to lay these Papers on the Table. With regard to the grave and important event to which my noble Friend has referred, I agree with him that this would hardly be the time to discuss it in all its bearings. It is an event which has arisen, I believe, from the spontaneous feeling of the people of the Turkish Empire, not influenced by any foreign agency. It is an event the consequences of which may be extremely important, but from which I hope we have no reason to anticipate any but good results. When we meet again a fortnight hence, we shall probably be in a condition to speak with more knowledge and with more confidence upon this matter than we can do now.

LORD WAVENEY said, events had marched with such rapidity that the Berlin Conference and the Andrassy Note had as much passed out of the domain of diplomacy as the Treaty of

Paris. Still, a very large discretion must be left to Her Majesty's Government as to the publication of any details they might have in their possession. There were, however, some details published which he would refer to, in the hope that the Government might be able to give satisfactory assurances as to that which was known only through the public Press. It appeared remarkable that the public Press had been supplied with information that there had been some undercurrent of apprehension communicated from the centre of distrust, Constantinople, to the Government of Servia; and if the public Press had been rightly informed, three measures of a trenchant and decisive character had been under preparation for some months to be ready in case of emergency. The Press was silent, and a general reserve was maintained on the subject; it was understood, however, that a forced loan was to be raised for Servia; that the period for discharge of private obligations was deferred; and that repressive laws on the Press were prepared; and, again, a colourable nationality had been given to an officer who had served with distinction in Central Asia that he might pass into the employment of the Servian Government. He made no comments, but he recommended the matter to the attention of the Government. The public mind was grievously disquieted, and he hoped some satisfactory explanation would be given on the subject.

ELEMENTARY EDUCATION PROVISIONAL
ORDER CONFIRMATION (HORNSEY)

BILL [H.L.]

A Bill to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for Hornsey to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same—Was *presented* by The Earl CADOGAN; read 1^a; and *referred* to the Examiners. (No. 104.)

LOCAL GOVERNMENT BOARD'S PROVISIONAL
ORDERS CONFIRMATION (CARNARVON, &C.)

BILL [H.L.]

A Bill to confirm certain Provisional Orders of the Local Government Board relating to the borough of Carnarvon and the districts of Long Eaton, Saint Neots, Shepton Mallet, Tenbury Wells, Tunbridge Wells, Walton-on-the-Naze,

Withington, and Whitwood—Was *presented* by The Earl of JERSEY; read 1^a; and *referred* to the Examiners. (No. 105.)

House adjourned at Seven o'clock,
to Tuesday the 13th instant,
a quarter before
Five o'clock.

HOUSE OF COMMONS,

Thursday, 1st June, 1876.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Prisons [180]; Army Corps Training * [182]; Metropolitan Commons (Barnes) * [181].

First Reading—Statute Law Revision (Substituted Enactments) * [183].

Select Committee—Waterford, New Ross, and Wexford Junction Railway (Sale) * [148], *nominated*.

Committee—Commons [51]—R.P.

Committee—Report—Tramways Order Confirmation (Wantage) * [157]; Gas and Water Orders Confirmation * [158]; Poor Law (Scotland) * [130-179].

Considered as amended—Small Testate Estates (Scotland) * [145].

PRIVATE BILLS.

Ordered, That Standing Order 131 be suspended, and that the time for depositing Petitions against Private Bills, or against any Bill to confirm any Provisional Order, or Provisional Certificate, be extended to Thursday the 8th day of this instant June.—(*The Chairman of Ways and Means*.)

PALACE OF WESTMINSTER—
MR. HERBERT'S PICTURE.—QUESTION.

MR. SERJEANT SIMON asked the First Commissioner of Works, If he would state to the House when Mr. Herbert, R.A., received his commission to paint a companion picture to the "Moses Delivering the Tablets of the Law" in the Peers' Robing Room; what is the sum he is to receive; what money on account has been paid to him; what are the dates of such payments; and, what progress has Mr. Herbert made with the work?

LORD HENRY LENNOX, in reply, said, the picture had been ordered in 1866, and the sum to be paid was £4,000. Since that time Mr. Herbert had received three instalments of £1,000 each. When he received the last in-

stalment the work was three-fourths finished. Mr. Herbert then moved from one studio to another, and in the course of the transmission of goods from one studio to the other the picture was so seriously injured that this distinguished artist had to put it by and begin to paint another. The hon. and learned Gentleman he (Lord Henry Lennox) was sure would agree with him that it did not behove his Office to be too severe with regard to time. He might say that Mr. Herbert had, within the last year, rendered him much valuable time and service with regard to the preservation of the frescoes in that House, and he had rendered these services gratuitously. He hoped that towards the close of the year, notwithstanding all these delays, the work of this great artist would be completed.

ENDOWED SCHOOLS—TIDESWELL
GRAMMAR SCHOOL.—QUESTION.

MR. A. M'ARTHUR asked the Vice President of the Council, If it be true that the Grammar School at Tideswell has been closed for three or four years past; and, if so, to state to the House why it has been closed, and whether any steps are being taken to have it re-opened?

VISCOUNT SANDON: I have referred the hon. Gentleman's Question to the Charity Commissioners, and I am informed that it is true the Grammar School at Tideswell has been practically closed for three years and some months. I am also informed that it is understood it has been closed principally on account of dissensions between the master and other members of the Governing Body. A scheme for the future administration of the school has been framed by the Charity Commissioners and has recently been passed by the Lords of the Committee of Council on Education, so that I trust after a short time the school will be re-opened.

INDIA—INDIAN GAOLS.—QUESTION.

MR. A. M'ARTHUR asked the Under Secretary of State for India, If it is true, as stated in a letter published a few days ago, that prisoners in many of the Indian gaols are locked up at night in scores together, in single rooms; that the prison officers are in most cases convicts themselves, and that the prisons in India are

manufacturing criminals through a general neglect of moral instruction, and of the simplest provision for separation, at any rate, by night; and, if the statements referred to be true, whether any steps have been taken to remedy the evils complained of?

LORD GEORGE HAMILTON: There is no doubt that overcrowding is an evil which has been complained of in Indian gaols, but in the new gaols steps have been taken to remedy this evil. The prisoners are, however, classified with great care. In certain prisons convicts are employed as gaol servants, but never in greater proportion than 12 per cent of the average strength of the prisoners. The various Governments in India have done much during the past few years towards improving gaols, both as to accommodation as well as to moral instruction and superintendence, and the hon. Gentleman may rest assured that this important subject will still continue to occupy their attention.

MALAY PENINSULA—THE BRITISH
RESIDENT IN SALANPORE.

QUESTION.

SIR GEORGE CAMPBELL asked the Under Secretary of State for the Colonies, with reference to Despatches from and to the Governor of the Straits Settlements, lately published—viz. No. 19, of March 18th, 1875, and No. 23, of May 17th, 1875, and also with reference to a previous Despatch, No. 74, of January 30th, 1875, and enclosed letter from Mr. J. G. Davidson, Whether Her Majesty's Government has permitted an officer holding the appointment of British Resident in Salanpore to remain interested in private financial transactions with the Chief of that State, and to obtain commercial concessions from him?

MR. J. LOWTHER: There has been a good deal of correspondence of a confidential character upon this subject, which in the interest of the public service it has not been considered advisable to publish. I may mention, however, that it was suggested to the Governor by the Secretary of State that, in consequence of commercial arrangements with the native officials, it would be preferable that some employment should be found elsewhere for Mr. Davidson, who is believed to be a most efficient public servant. I regret, however, to hear that

Lord Henry Lennox

this gentleman's state of health is such that his return home is expected very shortly.

**ELEMENTARY EDUCATION BILL—
SCHOOL FEES.—QUESTION.**

MR. RICHARD (for **MR. COLMAN**) asked the Vice President of the Council, Whether, under Clause 24 of the Elementary Education Bill, it is intended to give the different local committees authority to decide the ability of the parent to pay the ordinary school fee; and, whether it is the duty of such committees, if satisfied of the inability, to give the parent sufficient money to pay the said fee?

VISCOUNT SANDON: It is certainly intended in the Elementary Education Bill that Boards of Guardians only should have the power of deciding as to the ability of parents to pay the school fee and of paying such fees, and not the committees which they or the Town Councils may appoint. If there is any uncertainty as to the wording of the clause, I shall take care to set it right in Committee.

**PUBLIC HEALTH—MEDICAL OFFICER
TO THE PRIVY COUNCIL.**

QUESTIONS.

MR. WADDY asked the Vice President of the Committee of Council on Education, Whether he is prepared to state the intentions of the Government in regard to the vacancy caused by the resignation of Mr. Simon as Medical Officer of the Privy Council? He also wished to ask the President of the Local Government Board, Whether he is prepared to state the intentions of the Government in regard to the vacancy caused by the resignation of the Medical Officer of the Board, Mr. Simon?

VISCOUNT SANDON: It is not proposed to fill up the post of Medical Officer to the Privy Council which has lately become vacant owing to the resignation of that most distinguished public officer, Mr. Simon. Any advice which the Privy Council may require upon medical questions will be obtained from the Medical Department of the Local Government Board.

MR. SCLATER-BOOTH, in reply to the second Question of the hon. and learned Gentleman, said, he had ap-

pointed Dr. Seaton, the second Medical Officer, to be Medical Officer of the Local Government Board in the room of Mr. Simon. The office would not be exactly the same as that held by Mr. Simon, which was constituted by an Act of Parliament.

**RAILWAY ACCIDENT COMMISSION —
CASE OF FREDERICK HARCOMBE.**

QUESTION.

MR. M. A. BASS asked the Secretary of State for the Home Department, Whether his attention has been directed to the case of Frederick Harcombe, a goods guard lately dismissed from the service of the Taff Vale Railway Company, without the usual recommendation of character, in consequence of having given evidence before the Railway Accident Commission; and, whether he can suggest a remedy for such a proceeding, or any means by which Harcombe can be compensated for the loss he has sustained?

MR. ASSHETON CROSS, in reply, said, that he had received a complaint from this man, who said that he was dismissed by the railway company in consequence of the evidence that he gave before the Commission which was appointed to inquire into the question of Railway Accidents. It was quite clear that, as Secretary of State, he had no power to say what course the man ought to take in order to procure compensation if he had been wrongfully dismissed, nor had he the slightest power to inquire whether the railway company had sufficient justification for dismissing him. All he could say at the present moment was that he represented the man's case immediately to the railway company. Their statement was that they dismissed this man because he gave untrue evidence. That was a question which must be decided elsewhere, but he (Mr. Cross) thought it his duty to write a letter to the railway company, which, with the permission of the House, he would read—

"The Secretary of State, while he is unable to give any direction, or offer any opinion as to the merits of a matter which is not within his jurisdiction, feels it his duty to point out the evil results which will follow if the notion were to get abroad that the fact of a servant in the employ of a railway company having given evidence before the Railway Commission, even if not quite in accordance with the views of his

ORDERS OF THE DAY.

Ordered, That the Orders of the Day subsequent to the Commons Bill be postponed until after the Notice of Motion for leave to bring in a Bill for amending the Law relating to Prisons.—(*Mr. Disraeli*.)

COMMONS BILL—[BILL 51.]

(*Mr. Assheton Cross, Sir Henry Selwin-Ibbetson*.)

COMMITTEE. [*Progress 29th May.*]

Bill considered in Committee.

(In the Committee.)

PART I.—LAW AS TO THE REGULATION AND INCLOSURE OF COMMONS.

Applications in relation to Commons.

Clause 4 (Explanation of adjustment of rights).

MR. STANTON moved, in page 4, line 11, after “land,” to insert—

“(4a.) The confirmation of any exchange of any portion of any Common for any adjoining land of equal or greater value, or any sale of any portions of any Common for the purpose of purchasing adjoining land of equal or greater value out of the proceeds of such sale: Provided, the Commissioners are satisfied that such exchange is beneficial to the interests in the Common affected by such sale or exchange, and that such exchange has been or shall be approved by the vestry or vestries of the parish or parishes in which such Common is situate, and provided that, in the case of any such sale as aforesaid, land of equal or greater value adjoining the Common has been or shall be purchased and thrown into the Common, or an equivalent improvement or benefit to the Common carried out.”

MR. ASSHETON CROSS did not object to the principle of the Amendment, but said there were certain legal difficulties in the way which he did not at present see the way to overcome, but he would give the matter further consideration.

Amendment, by leave, *withdrawn*.

MR. WHITWELL moved, in page 4, line 22, after “Common,” to insert—

“Provided always, That no such adjustment of rights shall prohibit the use of any Common or uninclosed land for the free passage of a person or persons thereupon for the purpose of going from place to place, or for the enjoyment of air, exercise, or scenery on foot or on horseback, in such manner, freedom, and extent as such person or persons or other persons have heretofore been accustomed to enjoy.”

His object was to prevent any person from being deprived of any privilege

which had been enjoyed from time immemorial, and he trusted that nothing would be done to prevent the free enjoyment over the broad expanse of mountain tracks which had hitherto existed.

MR. ASSHETON CROSS objected to the Proviso, and said he thought it would be better to leave the matter as it now stood in the Bill.

MR. LOPES hoped the Amendment would not be pressed. At present no express right was enjoyed by the public, and he did not think it desirable to confer upon them a right which did not now exist.

MR. SHAW LEFEVRE apprehended that there was danger of those rights which had been acquired by custom being withdrawn in the absence of legal sanction, which the hon. Member for Kendal aimed at obtaining.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 5 (Explanation of improvement).

MR. GREGORY moved, in page 4, at end, to add—“5. The appointment from time to time of Conservators of the Common for the purposes aforesaid.”

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 6 (“Inclosure” means inclosure in manner provided by the Inclosure Acts) *agreed to*.

Clause 7 (Provisions for the benefit of a neighbourhood applicable alike to orders for regulation and orders for inclosure).

MR. SHAW LEFEVRE moved, in page 4, line 40, to leave out “may,” and insert “shall.”

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Suburban Commons.

Clause 8 (Sanitary authorities to be represented in the case of commons in the neighbourhood of towns).

MR. A. MARTEN moved, in page 5, line 22, after “situate,” to insert “either wholly or partly in any town or towns or.”

Amendment *agreed to*.

Mr. LOPES moved, in page 5, line 22, after "Common," to insert "or any part of a Common."

Amendment agreed to.

Mr. COWPER-TEMPLE moved, in page 5, line 38, after "aforesaid," to insert—

"Provided that after the passing of this Act the Commissioners shall not entertain an application for the inclosure of a suburban Common."

He thought there was no valid public reason for facilitating the conversion into private property of common land that was furnishing health, recreation, and enjoyment to the weary inhabitants of smoky towns. The powers of regulation would enable lords of manors and Commoners to improve waste lands for pasture without shutting out the public by fences, or transforming them into villas and streets; but if the alternative of inclosure or of regulation was given, the pecuniary profit of the former to individuals would outweigh the advantages to the public of regulation.

Amendment proposed,

In page 5, line 38, after the word "aforesaid," to insert the words "Provided, That after the passing of this Act the Commissioners shall not entertain an application for the inclosure of a suburban Common."—(Mr. Cowper-Temple.)

Mr. ASSHETON CROSS opposed the Motion, urging that there were a great many commons to which the Amendment would not apply, and that it would be a very unjust, very injurious, and very inconvenient course to take, to decide by a hard-and-fast line, that no commons within a certain distance of a town should be inclosed. Every case must be judged on its own merits; and there were several strong provisions in the Bill to enable the local authorities to prevent these commons being inclosed, if they ought not to be inclosed. In his opinion, they had very much better leave this matter to the discretion of the local sanitary authorities.

Mr. SHAW LEFEVRE supported the Amendment, which he thought an extremely important one. He felt satisfied that unless they drew a *cordon* round the large towns and said these commons should not be inclosed, there would

never be any application for their regulation. There might be an absolute prohibition of the inclosure of commons within a certain distance of populous towns. The principle in this clause had received the sanction of both Houses of Parliament, and although the different Bills on the subject had been lost, the clauses they contained embodying it had been agreed to.

Mr. GOLDNEY urged that some latitude should be allowed to corporations, who should be empowered to appropriate portions of their funds to the preservation of suburban commons in cases in which they thought it desirable to adopt that course.

Mr. WALTER pointed out the difficulties that would arise if a hard-and-fast line were drawn which should apply to commons within six miles of towns having 5,000 inhabitants equally with those which were within that distance from towns having 500,000 inhabitants, and stated that in his view the Committee should not hastily lay down an arbitrary rule of that character, which would disregard all local peculiarities and requirements. It being difficult to argue a point of this kind without having some particular case in view, he would take that of Windsor and Eton in illustration of his contention. Windsor and Eton contained some 14,000 or 15,000 inhabitants, to whom Windsor Forest, with its beautiful scenery and everything that conduced to their enjoyment, was always accessible, and could the Committee suppose that any great hardship would be inflicted upon those persons by some small and almost unknown common six miles away being inclosed? A similar observation might be made with reference to the commons near Richmond, the inhabitants of which town, also had the enjoyment of a fine park. For these reasons he was unable to support the Amendment.

Mr. FAWCETT did not attribute the same importance as the hon. Member for Berkshire (Mr. Walter) did to the argument founded upon Windsor Forest and Richmond Park. For his own part, he preferred to walk over a common, because he could go where he liked and felt as if it was his own property. Words could be inserted in the Amendment which would restrain it from applying to small towns in the same way that it would to large ones. He hoped

it would be pressed to a division. It had twice been accepted by both Houses of Parliament so far as its principle went. Without the Amendment it would be impossible to work the scheme of the Home Secretary, because the proposal to improve a common would be vetoed, and when nothing else could be done application would be made to Parliament to have the common inclosed.

MR. BERESFORD HOPE regretted the proposal had been made in so short and crude a form. He suggested that it should be withdrawn; but if it were pressed he must vote in its favour, as a protest against the inclosure of suburban commons.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 91; Noes 135: Majority 44.

MR. STANTON moved, in page 6, line 34, after "expedients" to insert—

"Where any Common (whether situate within six miles of any town or not) is situate within six miles of any village or villages, or other populous place or places, containing in the aggregate not less than five thousand inhabitants, but not constituting a town, notice of any application under this Act in relation to such Common shall be served as soon as may be on the urban sanitary authority or authorities, or the rural sanitary authority or authorities having jurisdiction over any such village or populous place, and all or any of the powers conferred by this section upon the urban sanitary authority having jurisdiction over any town may be exercised by any urban sanitary authority or rural sanitary authority having jurisdiction over any such village or populous place.

"When more than one sanitary authority is entitled to exercise the powers conferred by this section in respect of the same Common, the Inclosure Commissioners may consign the future management of such Common, under any order for its regulation, to a body composed in such proportions as they deem advisable, of representatives of all or any of such sanitary authorities, and may decide that certain parts of the parish or parishes in or near which such Common is situate shall be a contributory district for the purposes of this Act, and may make such rules for the election or nomination of such representatives by such sanitary authority as they think fit."

MR. ASSHETON CROSS objected to the proposed Amendment, on the ground that it was not necessary. With respect to the mention of villages and places comprising 5,000 inhabitants, he might say there were no such places. This question had been discussed two years

ago, and he was very sorry he could not now assent to it.

MR. BRISTOWE said, he was sorry to have heard the Home Secretary express himself so. He could not understand how the inhabitants of a village, or place, or places in the neighbourhood of a common, and not having 5,000 inhabitants, should not have a right to appear as a representative body. It seemed to him altogether wrong, and he should certainly support the Amendment.

MR. LOPES considered the Amendment unnecessary.

MR. MARLING said, there were many places having populations amounting in the aggregate to 5,000 and upwards, and it would be right that they should have a voice in the matter. The object of the Amendment was to give those somewhat scattered inhabitants the benefit they would have if more densely situated. They were anxious to have their commons regulated and improved, and were willing to bear their share of the expenses.

LORD EDMOND FITZMAURICE said, if there was one thing which was more necessary than another, it was to give the scattered rural populations the same advantages as were given to the populations of towns, and on those grounds he should certainly vote for the Amendment of his hon. Friend; but if the Government would bring up a clause having a similar object he should support it.

MR. ASSHETON CROSS said, that hon. Gentlemen opposite, in the many Bills they had brought in on this subject, never introduced any such provision. What were rural sanitary authorities? They were here to-day and away to-morrow. He had no intention of doing what he was certain would lead the ratepayers into endless litigation.

MR. SHAW LEFEVRE remarked that it was no answer to say that this provision had not been contained in former Bills which were introduced when people were ignorant of the extent of the common lands in England. He was ready to admit that it was a defect in former Bills that they did not contain this provision. He thought if there were several villages and places, the inhabitants of which amounted to 5,000, that they might apply to the Commissioners.

SIR THOMAS ACLAND suggested that application might be made to the Guardians. He considered them a proper body through whom representations should be made, and he hoped the Home Secretary would give to all Boards of Guardians the power to make representations, and to have a voice in the matter. He thought the right hon. Gentleman ought to take the Guardians by the hand.

LORD HENRY SCOTT contended that if this Proviso were adopted they would be opening up a frightful source of public expenditure on the part of Boards of Guardians.

MR. A. BROWN thought nothing more than was reasonable and desirable was asked.

MR. FAWCETT said, the Government had so much time at its disposal as to introduce a Bill that never was asked for. He was surprised to hear the Home Secretary speak of the Guardians in the manner he had described them—as “here to-day and gone to-morrow”—thus indicating that they were a body not to be trusted. He (Mr. Fawcett) submitted that the Guardians were the official persons; and if it was proposed to inclose a common they were the proper authorities to whom power on the question should be given. The right hon. Gentleman the Home Secretary addressing the Members who sat on the front Opposition bench, used the *tu quoque* argument, saying—“Why did ye not bring forward a measure of this kind when ye were in power?” He maintained that the course taken by the Home Secretary was singularly unfair; and the moment they proposed anything that was not in the Bill of 1871, the Home Secretary said—“Oh, but that was not in the Bill of 1871.”

MR. ASSHETON CROSS explained that the object of the clause was to empower the rural sanitary authorities to contribute to the funds for the improvement of the commons, and give compensation for the rights of the commoners. The question of notice would be dealt with in Clause 10.

MR. COWPER-TEMPLE said, he was surprised that the Home Secretary should treat the Board of Guardians with contumely. In the Education Bill he had not treated them as bodies that were “here to-day and gone to-morrow,” but had entrusted them with the

permanent administration of the educational affairs of the rural parishes.

SIR WALTER BARTELOT congratulated the hon. Member for Hackney (Mr. Fawcett) on the change of his views in regard to the rural authorities, and inquired of the hon. Member for Reading (Mr. Shaw Lefevre) his authority for saying that there were only 1,500,000 acres of common in England. He hoped the Home Secretary would stand to his guns and not make the concession asked for, because the more concessions he made the more were required.

SIR THOMAS ACLAND trusted the Committee would insist upon the carrying out of two objects—first, that notice should be served upon the rural sanitary authorities as authorities, and not merely as individuals; and, secondly, that they should have the power to do certain things which at present they had not the power of doing for the benefit of those whom they represented.

MR. PELL expressed a hope that the Government would adhere to their proposition, for he was quite convinced that the sanitary authorities had quite a sufficient number of matters to attend to at the present time.

MR. SHAW LEFEVRE explained that he had taken his figures from Domesday Book, and judging from the Returns given for the Home Counties, with which he was personally acquainted, he was induced to think the total correct. The Inclosure Commissioners who, in 1870, stated that there were between 8,000,000 and 9,000,000 acres of uninclosed common land, now stated that there were only 2,500,000 acres; but he thought their estimate was still too large and that the Domesday Book was nearer the mark.

Question put, “That those words be there inserted.”

The Committee divided:—Ayes 55; Noes 79: Majority 24.

MR. WHITWELL moved the insertion of the word “three” instead of “five” in page 6, line 41, the object being that the word “town” in the clause should be held to mean a place with 3,000 inhabitants, and not the greater number.

Amendment proposed, in page 6, line 41, to leave out the word “five,”

in order to insert the word "three."—
(*Mr. Whitwell.*)

MR. ASSHETON CROSS thought that by adopting the number of 5,000 the Government had gone quite far enough.

Question put, "That the word 'five' stand part of the Clause."

The Committee *divided*:—Ayes 64; Noes 46: Majority 18.

MR. SANDFORD moved, in page 7 at end of line 4, to add—

"The powers conferred by this section upon the urban sanitary authority of acquiring by gift and holding any suburban Common, and any rights in such Common, and of purchasing and holding any saleable rights of Common or any tenement of a commoner having annexed thereto rights of Common, may be exercised by the mayor, aldermen, and burgesses acting by the council of any borough constituted such either before or after the passing of this Act (whether they are the urban sanitary authority or not), with respect to any Common within seven miles of such borough, whether the borough have a population of not less than five thousand inhabitants or not."

MR. SCLATER-BOOTH pointed out that the Amendment might have the effect of giving these burgesses power to charge rates outside of their district, but promised that it should be considered before the Report.

Amendment, by leave, *withdrawn*.

On Question, "That the Clause do now pass,"

MR. SHAW LEFEVRE asked why the urban authority should be compelled to purchase the land as well as the rights of common in respect to such places within a certain distance of towns? Why should they not have power to purchase the rights of common and hold them for the benefit of the people?

MR. GOLDNEY observed, that any right whatever could be purchased under the Bill as it stood; and he thought that it would be sufficient to meet everything that was required.

Clause *agreed to*.

Procedure.

Clause 9 (Issue of forms by Commissioners) *agreed to*.

Clause 10 (Rules as to application to Commissioners) *agreed to*.

Clause 11 (Rules as to local inquiry) *agreed to*.

Clause 12 (Rules as to provisional orders).

MR. SHAW LEFEVRE moved an Amendment, the object of which was that whilst the assent of two-thirds of the commoners should be required before any common could be inclosed, and while the lord of the manor should have a veto on that transaction, that the assent of one-half of the commoners should be sufficient to regulate the common, and the veto of the lord of the manor should in the case of mere regulation be abolished.

Amendment proposed, in page 12, line 25, after the word "order," to insert the words "for the inclosure of a Common."—(*Mr. Shaw Lefevre.*)

MR. ASSHETON CROSS said, he did not see why the veto should not apply to regulations, considering that the same rights were involved as in inclosure, and he objected to reduce the proportion of assents because liability to be rated for improvement would follow.

MR. COWPER-TEMPLE observed that regulation would not deprive the the lords of manors of their rights in the soil, nor the commoners of their use of it, as inclosures did.

LORD EDMOND FITZMAURICE supported the Amendment.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 43; Noes 74: Majority 31.

MR. SHAW LEFEVRE moved in page 14, line 42, after "Commons," to insert "with such modifications, if any, as to Parliament seem fit," the object being to enable such defects as might be found in the original scheme to be amended.

Amendment proposed, in page 14, line 24, after the word "Common," to insert the words "with such modifications, if any, as to Parliament seem fit."—(*Mr. Shaw Lefevre.*)

MR. ASSHETON CROSS could not accept the Amendment. The scheme would be drawn up after certain consents had been obtained. If a power of

altering it were given, the scheme might become altogether different from that to which the consents had been given.

MR. A. BROWN supported the Amendment, on the ground that in the original scheme some minor points might have been overlooked which it would be desirable to provide for.

LORD HENRY SCOTT opposed the Amendment.

MR. SHAW LEFEVRE said, that the original design of the Home Secretary was to bring all the details of a scheme under the review of Parliament. As the Bill stood the Standing Committee, no matter what the defects of the scheme, would not be able to add a single acre to the recreation ground of the public or the allotment grounds of the poor. They must either accept or reject as a whole the Provisional Order. Considering that the very essence of the Bill was to bring these schemes under the review of Parliament, the measure would be a perfect farce without such provisions as he had proposed.

MR. ASSHETON CROSS said, under the existing law when Provisional Orders were passed by the Inclosure Commissioners, the Home Secretary had to bring in a Bill for their confirmation, and he did that with the whole strength of the Government in the House of Commons at his back. It was to that he objected. He therefore fell back upon a Standing Committee who would go through all the details and see whether those schemes were such as in their opinion ought to be presented to Parliament. The bringing in of a Bill in that case would be purely a Ministerial act. But if they were to say that this Standing Committee might alter what had been agreed upon that would be quite another thing.

SIR THOMAS ACLAND opposed the Amendment, on the ground that if they passed an Act saying a scheme should be dependent on certain consents, they should not turn round when those consents had been obtained and allow something else to be done. He would suggest to the right hon. Gentleman the Home Secretary that the measure should be so altered as to provide for schemes being adopted which had the assent of all the persons interested in the commons to be dealt with.

MR. KNIGHT said, if the Amendment were adopted, it would be unsafe

for persons to apply for an inclosure, as they would be completely in the power of the Committee.

SIR CHARLES W. DILKE pointed out that Committees on Private Bills had power to alter the schemes submitted to them. It was possible that as this Amendment was now worded, the parties would not be able to withdraw from their proposal if they disapproved of the changes made; but that difficulty could easily be met by an addition to the Amendment.

MR. FAWCETT believed the Home Secretary would have met with stronger opposition at the earlier stages of the Bill, if it had been understood that he meant to leave everything to the Inclosure Commissioners, whose decisions the Standing Committee could not revise.

MR. DODSON suggested that the Home Secretary should bring up a clause which would place the parties to an inclosure before the Select Committee in the same position as the promoters of a private Bill, and enable them to withdraw the scheme if they did not like any change which was made in it. If the right hon. Gentleman would not assent to that course, it would be desirable that the hon. Member for Reading should divide the Committee on his Amendment, though it did not fully solve the difficulty.

MR. WHITWELL said, the right hon. Gentleman the Home Secretary proposed to give to a Standing Committee powers which he objected to confer upon the House. For his part, he objected to any such power being given to the proposed Committee, and he hoped the proposal would be rejected.

MR. GREGORY thought the clause as it stood proposed a convenient as well as a reasonable mode of procedure.

MR. BRISTOWE objected to the method proposed by the Home Secretary, that these Provisional Orders should be submitted to a Standing Committee of that House, simply for acceptance or rejection, without giving such a Committee the power of going into details, and making such alterations as they might think reasonable. A doctrine of that kind, if acted upon, would furnish a very unsatisfactory precedent for the conduct of Select Committees, and one which, so far as he knew, was altogether foreign to the practice of the House of Commons.

MR. ASSHETON CROSS said, the object of the Bill was to put the Select Committee in the place of the Secretary of State, who at present could make no alteration in schemes and could only refuse to bring forward the Bill embodying them. If the Select Committee had power to alter the particular schemes, it could only be after hearing the parties; but the result of such an arrangement would be much in favour of the rich man, for the poor persons interested could not afford to appear. A local inquiry, where all parties could be heard, was the cheapest and simplest way of making any changes in a scheme. Sir George Grey, when at the Home Office, would not allow alterations to be made in an inclosure scheme even in this House, because the parties interested had consented to the scheme as it stood, and it would be unjust afterwards to alter the scheme without hearing them. In the same way he proposed when the Bill embodying these schemes went before the Committee that they should have before them the documentary evidence and say whether a particular scheme was one which, in their opinion, Parliament ought or ought not to accept. He was willing to confer with the right hon. Gentleman (Mr. Dodson) before the Report; but he could assure the Committee that there were practical difficulties, and meanwhile he hoped the Amendment would be withdrawn.

MR. DODSON said yes; the subject was one of difficulty, and here was a defect in the measure to which there were great objections. The observations which the right hon. Gentlemen addressed to the Committee were an argument against the whole Bill. It seemed to be a Bill for relieving the Secretary of State from responsibility and throwing it upon the Standing Committee. It was going very far to say that a Select Committee, of this legislative body, should have no power to alter and modify a scheme because the Secretary of State, who was an Executive officer, had no such power.

MR. GOLDNEY opposed the Amendment.

MR. SHAW LEFEVRE still retained his opinion that a Parliamentary Committee ought to have power to deal with the details of schemes. He had always understood until now that the intention

was that the Committee should have the power of making modifications.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 56; Noes 99: Majority 43.

Clause, as amended, *agreed to*.

Clauses 13 to 17, inclusive, *agreed to*.

House *resumed*.

Committee report Progress; to sit again upon *Thursday* next.

In reply to the Marquess of HARTINGTON,

THE CHANCELLOR OF THE EXCHEQUER said, that the Commons Bill would be taken as the First Order on Thursday, after which Supply would stand next if the Bill was got through in sufficient time. Then on the following Monday the First Order would be the second reading of the Appellate Jurisdiction Bill, and if there was time afterwards they would proceed with the University of Oxford Bill. On Thursday, the 15th, they hoped to take the second reading of the Elementary Education Bill.

PRISONS BILL.

LEAVE. FIRST READING.

MR. ASSHETON CROSS, in rising to move for leave to bring in a Bill for amending the Law relating to Prisons, said: In a paragraph of Her Majesty's most gracious Speech it was intimated that a measure would be introduced into Parliament, in the first place, for promoting economy and efficiency in the management of Prisons; and secondly, at the same time for effecting the relief of local burdens. I therefore now rise to lay before the House the measure we have to propose in regard to England. Of course, some analogous measures will follow in due time, both with regard to Ireland and to Scotland, which will be brought in respectively by my right hon. Friend the Chief Secretary for Ireland and by the Lord Advocate. I shall confine my observations to-night entirely to the case of England. The subject resolves itself into two questions; first, the condition of our prisons, and, secondly, the expense of their management. Both of

these matters have been brought before my notice not only as a Member of Parliament, but as a magistrate of some standing. They were specially brought before my notice in 1874 by a deputation which waited on me at the Home Office from the Social Science Association. That deputation pointed out that, although the Act of 1865, which has done so much to improve not only the discipline of our prisons, but their entire management, has worked very well—and in its main features we do not propose to interfere with it, subject to certain exceptions—still there was a great want of uniformity of discipline in the prisons throughout the country, a great want of efficiency in many of those prisons, and a great amount of unnecessary expense, owing to the excessive number of our prisons. Further, that there was a great mistake made in having regard too much to penal labour as opposed to industrial labour; and perhaps the result of that may be traced and may be seen very visibly, not only financially, but also morally, as far as our prisons were concerned. Therefore, this matter demands our attention with the view to two objects—first, to secure more uniformity of discipline in prisons, and secondly, if possible, to reduce expenditure on their management. The subject was brought forward in a different shape in 1872 by my hon. Friend the Member for South Devon (Sir Massey Lopes) when the celebrated Resolution upon Local Taxation was passed by the House. And one of the main points that was insisted upon by my hon. Friend at that time was the fact that all the expenditure incurred for prisons, and which amounted, as he gave it, on an average of the previous four years, to £590,000 a-year, less, of course, the sum which must be deducted as being the grant from the Treasury—namely, about £99,000 per annum, was fairly an Imperial and not a local charge—that is to say, that our prisons and our whole system of gaol discipline were kept up for the safety not only of real property, but of personal property, which did not pay its share, and not for the safety of property simply, but for the protection of life. The great aim of my hon. Friend's speech was to show that many charges were Imperial charges and not local ones merely, as they had been hitherto regarded. Now, both of those considerations must be

borne in mind when we come to deal with the question of prisons. I have certainly no wish to squander public money in any way that is not useful, neither would I ask the House to consent to give any money from Imperial funds except for Imperial purposes. I do not think that money ought to be granted from the Imperial Exchequer, unless there be good reason for granting it, and unless it can be shown that not only will it improve the discipline in our gaols, and also reduce the expenditure upon them generally, but likewise that some substantial advantage will accrue to the country from the Imperial Exchequer giving greater aid than it now gives. Now, what is our system of gaols in England at present? We have 116 county and borough gaols. That gives one gaol to an average of 22 square miles, and one to about every 200,000 of the population. The average cost, I think, this year or in some previous year, for all the gaols, is about £27 2s. per head for the prisoners. The greatest number of prisoners in gaol in England at one time was 52,500, while the daily average number in gaol was 18,500. But when you come to look at the question of gaol accommodation you will find it very unequally distributed throughout England. I will take, in the first place, the distribution and proportion of prisons that exist to the population. I find that in Rutlandshire there is one gaol to 20,000 inhabitants. In Lincolnshire there are seven gaols, or one for every 48,000. In Worcestershire there is one gaol for 338,000. In Lancashire there are six gaols, or one for 469,000. In Middlesex there are five gaols, or one for 507,000. In Surrey there are two gaols, or one for 445,000. In Stafford there is one for 858,000. But the distribution does not quite stop there, because I find that in some places the proportion is different. In Leicester there are two gaols, one for the borough and one for the county. The county gaol is for 174,000 inhabitants, the borough gaol for 95,000. There is sufficient room in the county gaol for the whole of the prisoners, so that there is a great waste in respect of the gaols in Leicestershire. In Northampton the county gaol is for 199,000, and in the borough for 5,000. Therefore, all the borough prisoners could be accommodated in the county gaol. In Lincoln there are not less than three prisons—

materially increase the cost of conveying prisoners from the places at which they are committed to the prisons in which they will have to serve their sentences. The next item on which a saving would be effected is the earnings of the prisoners. I find that in one prison the earnings of prisoners are close upon £10 per head per year; in another the sum is a little over £6; in a third the average earnings amount only to 6s. 9½d. per head per annum; whereas in the Convict Prison at Pentonville each prisoner earns, apart from the labour on buildings, which would materially increase the amount earned, on an average £9 a-year. We have no reason to doubt that if all these prisoners were under the same discipline and properly grouped together the amount of money they earn would not be as large as is now earned in the best managed convict prisons, and we believe also that it would go on continuously increasing. Again, it is quite obvious in the small prisons they cannot afford to pay for instructors to teach the prisoners. The third item of saving which will arise from doing away with 50 prisons will be considerable—that is to say, in the cost of repairs. The result of all this, if the House sanctions the scheme, will be that we shall not make any serious inroad on the Imperial Exchequer, and we shall save very much more to the local jurisdictions than the present charge. The total average cost for 1872, 1873, 1874, and 1875 of the county and borough prisons is £592,390; and deducting from that the interest on the loans obtained for building prisons—namely, £42,472—it will leave the actual cost of the prisons at £549,918. Now, the funds that have hitherto been made have run as follows:—The profits upon prison labour amount to £50,312, and some small contingent receipts, in round numbers £8,000. From the rates there have been paid £392,000; from the public revenue £99,100. We propose that the gaols shall be handed over to the Government, and it will be carried out in this way. We have no doubt that by closing superfluous prisons we should be able to effect a saving at once of £50,000 or £60,000. We have no doubt also that there will be an increase in the value of labour of £50,000. This, therefore, would only leave a charge upon the public revenue of £385,000. Taking the small contingent receipts into

account, this will be somewhat increased, so that practically there would be a saving from local rates of £392,000, and only an additional charge upon the public revenue of £285,000. In doing this, therefore, we should, in round numbers, save to the local jurisdictions something like £100,000 more than the expenditure which we propose. I think that this alone would be a satisfactory result, taking into consideration the improvement which will, no doubt, be brought into existence in discipline and good management, and also in the good conduct of the prisons and of the prisoners themselves, for we should go much more into the question of industrial as against penal labour, and this would practically be a great matter, and would, we believe, tend very much to the diminution of crime. Of course, two or three questions will be asked, and I would very shortly state the provisions of the Bill that have been framed to carry out our scheme. We propose that this Act shall come into operation at the commencement of the next financial year. It will be quite impossible that in undertaking this scheme you should take immediately all these things over. You must have a certain number of months for carrying out your scheme of reduction, therefore we do not propose to take the matter into our own hands until the end of March, 1877; but from that day all the expenses incurred on prisons and for the prisoners therein will be defrayed out of monies to be provided by Parliament. As to local jurisdictions, from the time of a man going to prison as a committed prisoner they will practically cease. Of course, we have no notion of buying the gaols, for if we did that we should have to pay a very large sum of money; and therefore we say that the prisons and the furniture and effects belonging thereto shall be handed over to the Secretary of State for the purpose of keeping prisoners there. Although I say that they are to be handed over to the Secretary of State, and he shall act in reference to the appointment of all officers, and shall have the control and custody of the prisoners and all the power of the Quarter Sessions and the Visiting Justices shall be primarily vested in the Secretary of State, I do not mean to propose that the Secretary of State should administer a matter of this kind. I propose—following the recom-

mendation of the Commission that sat a long time ago—that there shall be established Prison Boards, which shall practically carry out all the details of this question. I propose that there should be Prison Boards composed of a certain small number of members for this purpose, and to be called Prison Commissioners, and that they should have the general superintendence of prisons under this Bill vested in them, but subject to the control of the Secretary of State. One question to be considered will be the appointment of officers, for the question of patronage will, no doubt, be considered. As Secretary of State I have no wish to have the slightest amount of patronage more than I can help, for nothing more encumbers a Minister or gives him more trouble and anxiety; but I propose that the appointment of the superior officers should be in the Secretary of State, of course taking the opinion of the Visiting Boards, but all the rest of the subordinate officers shall not be appointed by the Secretary of State, but by the Prison Commissioners themselves. This will take a vast amount of patronage from the Secretary of State, and the Boards would administer it more satisfactorily than he could. One advantage of this will be that, by being all together, there will be a much greater flow of promotion in the service, and a much greater inducement to officers to work well than there is at present, and practically you will get a much better staff of officers than you have had down to the present. I do not, however, find any fault with the existing officers, who I think are exceedingly satisfactory. But there is another question which hon. Members will be asking—What are you going to do with your Prison Inspectors? It is quite clear that there must be Inspectors. You cannot well work even 50 gaols from London without some one to visit them. We propose not to keep up the Prison Inspectors as at present, but to give the Prison Commissioners certain assistants, who will visit periodically the gaols, reporting to the head quarters in London. There is also one valuable body that I should be very sorry to lose, I mean the Visiting Justices. It is absolutely necessary when dealing with prisons of this kind that there should be that supervision and constant visiting that you cannot get except from the Visiting

Justices. You must have an army of Inspectors without this; and although the whole control of the prisons and officers will be in the Prison Commissioners, or Assistant Commissioners, yet I do propose that in the counties and boroughs there should be, though in a somewhat different way, appointed by Quarter Sessions, Visiting Justices, as heretofore. I propose that this committee should not have the same extended powers of actually ruling the prisons as at the present moment; but the Prison Commissioners should visit from time to time any prison and report upon it. It is also quite necessary that prisons should be under the constant action of the visiting Justices, so that the public should be satisfied that the prisoners were properly taken care of, and that there should be an independent body of Justices, who would inform the Secretary of State if there was anything wrong. There is another point, and that is about the prisoners themselves. The House must know very well that counties are divided for prison purposes, that there are for this purpose boroughs, cities, and divisions of counties, and in every such case the Prison Board is bound to provide by the Act a prison. Most counties have built their prisons; but many places not having prisoners enough to build a prison for, have very properly not thought of building a prison, but have put their prisoners out in some neighbouring jurisdiction, paying a certain sum, not merely for their board, but also for the accommodation they have in the prisons. We propose that this Bill shall not come into operation until the end of the financial year, and we shall have time to see how this work is performed. We should then say to these places that if it could be shown that they had provided accommodation fit for the daily average of prisoners for the last five years, when they had done all that the law required of them, that the Government should take possession of the gaols. Those places which have not provided this accommodation, but have put out their prisoners into other jurisdictions, we should say this to them—We would take the daily average of prisoners for the last five years and that they should pay the equivalent of the cell accommodation that they would require. I would, however, also say that we should not propose that they should

pay in cash, but that we should be perfectly ready to lend them money from the Public Works Loan Commissioners and that they should pay interest upon it at a certain rate. There are, of course, some jurisdictions which have provided prisons, and some which have not. Yet the latter have practically done so by contributing to the prisons of their neighbours. Where that course has been followed we propose to take that into consideration. When the prisons are discontinued we shall, of course, be perfectly ready to let the jurisdictions have their prisons back again under specified conditions. Or if it be preferred, we shall sell the prisons for them, and any surplus that may be received we shall hand over to the jurisdictions. I do not think I need trouble the House further with the provisions of this Bill. All I can say is that I believe if it is carried out we shall do exactly what was stated in the Queen's Speech—namely, produce a measure which will undoubtedly “promote economy and efficiency in the management of Prisons, besides being a measure which will largely relieve local burdens.”

Motion made, and Question proposed, “That leave be given to bring in a Bill for amending the Law relating to Prisons.”—(*Mr. Assheton Cross.*)

MR. WHITBREAD said, that, in so far as the Bill would secure greater uniformity in the management of prisons, and would enable them to shut up many costly and practically useless gaols, he thought it was a good measure. He was delighted to think that the Government were inclining more towards industrial than towards penal labour. He admitted that there would be a difficulty in shutting up these prisons and grouping them unless the Government took the matter up. The localities would not easily agree to a proposal for grouping the small prisons, and he really believed they would make a harder fight before giving up their gaols than in parting with one of their Representatives. The right hon. Gentleman had certainly bid high for the surrender; but he must enter his protest against the way in which he was dealing with this question of local government. He did not intend that the taxpayer should not be called in to the relief of the rate-

payer. That must be the case; but when he was so called in he was entitled to make conditions that the relief given should be accompanied by such reforms that he should not be called upon for further contributions. He protested against rendering all these gifts from the Imperial Exchequer without insisting on those reforms which could be made palatable and possible by means of those gifts only. The right hon. Gentleman was proceeding in a very dangerous course in thus touching the question of local government here and there, and fragmentarily, instead of dealing with it in a statesman-like and comprehensive manner. The Government gave largely out of the Exchequer last year, but had there been an equal corresponding diminution of the rates? He was afraid that an attempt was to be made to pass a Highways Bill without even that Valuation Bill which had a little modicum of reform in it, and without which it would only intensify the inequality between one Union and the other. He trusted that if the House surrendered the public money in proposals of this kind, it would insist on some useful reforms as part of the consideration.

MR. PELL said, he agreed with a good deal that had fallen from the hon. Gentleman, but he had omitted to apply his remarks to the Bill. The Home Secretary had clearly shown the enormous waste in prison management and the inequality and want of uniformity in the treatment of prisoners. The scheme of the Government would, he thought, effect an enormous saving of expenditure on local funds by means of a comparatively small contribution from the Imperial funds. He had himself reckoned up from 55 to 60 small prisons that might be disposed of, and which had only 1,600 prisoners among them, although they had a staff of 487 officers. This gave an average of three officers for 10 prisoners, a number for which in larger prisons one officer would be sufficient. The reduction in the number of prisons proposed by the Government would leave an adequate proportion of prisons to the population. In some prisons the prisoners were maintained for 1s. a-day, and their earnings still further reduced their cost from £16 to £10 a-year; but at Lincoln the cost was 6s. 3d. a-day and there were no earnings

Mr. Assheton Cross

at all. No Government could rightly permit this state of things to continue without making an effort to change it, and if it involved any charge upon the Exchequer it was for purely national purposes. There could be no valid objection to the principle of the Government assuming the cost of maintaining prisons. So far as he understood the proposal of the Home Secretary, it appeared to be good, proper, and timely.

MR. WHALLEY complained that the Home Office did not co-operate with the Justices in matters of this kind, and hoped the House would not be deluded by statements such as those made by the Home Secretary, for the design seemed to be to carry out further the system of centralization. The practical effect of centralization had been to disqualify the local bodies from managing their own affairs, and the right hon. Gentleman was now seeking to carry the system further. He never heard such a weak and inefficient case put forward for centralizing the management of matters which were now regulated by the magistrates, and of all business taken in hand by the Government there was none that, according to his experience, they administered so unsatisfactorily as that relating to prisons, so that there was the greatest danger in the transfer of authority which had been proposed that evening. The perversion of central government, in some cases, where the management of prisons was under the control of the Royal Catholic party was notorious. The Home Secretary had exercised most unwarrantable strictness in respect to a certain remarkable case, and he could only attribute that to special influences brought to bear upon the right hon. Gentleman outside the House. In the three countries in which he took part in the management of prisons he had heard of no complaint which could not be remedied by local action.

MR. RAINALD KNIGHTLEY rose to make an answer to an observation made by the hon. Member for Bedford.

MR. WHALLEY said that the proposal of the Government was to relieve certain responsibilities on the exceptionally busy and overworked magistrates, and to give a more uniform system. There was no danger of the proposal being carried out, and he hoped that the Government would not be misled by the observations of the hon. Member for Bedford.

MR. DODSON said, the financial proposals of the right hon. Gentleman offered what was *per se* a distinct advantage; but the price they would have to pay for it was centralization; and, without committing himself now to a final criticism upon the scheme, he must say that he should have liked to see relief given to local rates by some measure which, instead of weakening, would have strengthened and extended local self-government. The proposal of the right hon. Gentleman would not only weaken local self-government, but would actually lead to the suppression of a branch of it that was by no means an unimportant one. It was true that the Visiting Justices would be retained, but a great deal of their present power would be taken from them and they would be in reality unpaid Inspectors. He would like to ask the right hon. Gentleman when he had reduced the number of prisons from 116 to 66, what he was going to do with the surplus staff of those prisons—governors, chaplains and other officers. Were they all to be absorbed under the new system, or were they to be pensioned off, and if so, at whose cost? A great test was that the maximum of the existing salaries would become the minimum of the future salaries, when the officials now employed by the different local authorities were taken into the service of the Government. He perceived that the right hon. Gentleman would find it more difficult than he supposed to reduce the number of prisons to 66, because considerable pressure would be brought to bear upon him on all sides to prevent him from maintaining existing establishments. He gave the right hon. Gentleman credit for having made his calculations with the greatest care and accuracy, but remembering what had been the result of the Government's undertaking heavy losses in the reduction of the number of prisons, he was not prepared to participate with the Government in the proposal. He hoped that the Government would not be misled by the observations of the hon. Member for Bedford.

right hon. Gentleman opposite had made in reference to the question of compensating officials in existing prisons whose services would be no longer required if the Bill which had been described by the Secretary of State for the Home Department became law. In his speech, the right hon. Gentleman had only given a slight sketch of the Prisons Commission which was to have the management of the prisons after they had passed into the hands of the Government. It would be satisfactory to know whether the members of the Commission were to be paid for their services, and, if so, where the money was to come from. On the whole, he was much pleased with the statement which the right hon. Gentleman had made, in that it was a redemption of promises contained in the Speech from the Throne with which the Session commenced, and was, moreover, a continuation of the policy which in the past had worked well. Nothing was more thoroughly national than the making of provisions for the security of life and property; and, if one branch of the public was more interested than another in a measure of the kind, it was that branch which owned personal as distinguished from real property. It must be clear that if the Commission to be appointed did their work as well as the local authorities who at the present time had charge of the administration of prisons, the whole cost must be much less than if the existing number of prisons was maintained. This was undoubtedly a very bold measure, especially when they considered that it was brought in on the 1st of June. He did not know whether they could look forward to its being carried this Session. He foresaw the usual block of Business, and Heaven only knew which of the measures now before the House would be carried. He hoped the Government would not be dismayed by the denunciation of the principle of centralization which they would hear from the other side. He was quite ready to accept the centralization with all its drawbacks, when it was accompanied by a substantial pecuniary benefit. On the whole, he believed the Bill would largely improve the management of our prisons, and the Government had done well to introduce it.

MR. WHITWELL thanked the Government for having introduced the Bill.

Mr. J. R. Yorke

It would, he believed, contribute to the better management of our prisons, and that was an object of greater importance than the mere saving of money—though, of course, if the two things could be combined, so much the better.

MR. PAGET said, there was no doubt that the principle and details of the Bill carried centralization still further than it had been. The question was whether it was a good or bad direction. As far as he understood the explanation of the right hon. Gentleman, though it might be exceptional in some respects, it was a step in the right direction. They could not have an Imperial grant without at the same time submitting to Imperial interference. He did not approve of the management of the prisons as proposed by the right hon. Gentleman, as he had a strong objection to the administration of public affairs by Commissioners.

CAPTAIN NOLAN considered it would be unfair to take the second reading of this Bill before the Irish Bill was in print. In fact, unless the Irish Bill were printed in time the Irish Members would be voting in the dark.

MR. RATHBONE said, he did not object to the measure on the ground of centralization, or because of the transfer of the cost from the local to the general taxpayer; but he did regret that the Government did not undertake to reform the whole system of local self-government, especially as the present Administration was, from its experience in such matters, peculiarly qualified to deal with it. Every day's delay would create a greater chaos, and render the work a more difficult one.

MR. J. G. TALBOT regretted that the right hon. Gentleman had not gone further, and taken the matter entirely out of the hands of the Visiting Justices, who, under the Bill, would be reduced to the position of mere Inspectors. They had a precedent for it in the case of the convict prisons, which were entirely administered by the central Government. He entirely approved of the principle of the Bill.

MR. EARP said, he thought it scarcely fair, Session after Session, to transfer the local charges to the Imperial Treasury. To that portion of the Home Secretary's scheme which dealt with prison reform he did not think there could be any objection; but the other portion, which

dealt with financial re-adjustment, would be unpalatable to the country.

MR. ASSHETON CROSS, in reply, expressed his conviction that when hon. Gentlemen came to consider the Bill they would find all the objections urged against the measure entirely vanish. As to the question of centralization, even now the local justices had very little power in the management of prisons. If a prisoner were sentenced in Liverpool, it did not at all follow that he should serve out his sentence in Liverpool Gaol. He might, according to the circumstances of his case, be sent elsewhere, but be brought back and discharged there at the expiration of his sentence. The Government proposed that when the Bill became law the prison officers should come under the jurisdiction of the Secretary of State. Any officer whose office would have to be abolished would, of course, be pensioned, very much in the same way as those officers were pensioned who belonged to the prisons that were discontinued by the Act of 1865. Practically, however, few of them except those who were aged would be deprived of their employment. The new prisons which might be required would be built with Government funds, but with prison labour. The Prison Commissioners would be in direct communication with the Home Secretary; their number should not exceed five, and he would be responsible for them. He did not propose to take the second reading of the Bill until the 22nd of June; and he had no doubt that before that date the analogous Bill for Ireland would be in the hands of Members.

Question put, and *agreed to*.

Bill *ordered* to be brought in by Mr. Secretary Cross and Sir HENRY SELWIN-IBBETSON.

Bill *presented*, and read the first time. [Bill 180.]

ARMY CORPS TRAINING BILL.

On Motion of Mr. Secretary HARDY, Bill to facilitate the assembling and training of certain Army Corps, *ordered* to be brought in by Mr. Secretary HARDY, Mr. STANLEY, and Mr. WILLIAM HENRY SMITH.

Bill *presented*, and read the first time. [Bill 182.]

METROPOLITAN COMMONS (BARNES) BILL.

On Motion of Sir HENRY SELWIN-IBBETSON, Bill to confirm a scheme under "The Metropolitan Commons Act, 1866," and "The Metropolitan Commons Act, 1869," relating to Barnes

Common, *ordered* to be brought in by Sir HENRY SELWIN-IBBETSON and Mr. Secretary Cross.

Bill *presented*, and read the first time. [Bill 181.]

WATERFORD, NEW ROSS, AND WEXFORD JUNCTION RAILWAY (SALE) BILL.

Ordered, That the Select Committee on the Waterford, New Ross, and Wexford Junction Railway (Sale) Bill do consist of Five Members, Three to be nominated by the House, and Two to be nominated by the Committee of Selection.

Ordered, That all Petitions presented against the Bill be referred to the Select Committee on the Bill, subject to the decision of the Court of Referees on questions of locus standi if any objection be raised to the locus standi of any Petitioner, and provided such Petitions are presented [three clear days before the meeting of the Committee; and that such of the Petitioners as pray to be heard by themselves, their Counsel, or agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the Bill against the said Petitions:—Power to send for persons, papers, and records; Three to be the quorum.

Ordered, That Mr. RIDLEY, Captain HOOD, and Mr. BLENNERHASSETT be Members of the Committee.—(Mr. William Henry Smith.)

House adjourned at half after One o'clock till Thursday next.

HOUSE OF COMMONS,

Thursday, 8th June, 1876.

MINUTES.]—SUPPLY—*considered in Committee*—CIVIL SERVICE ESTIMATES—CLASS I.

PUBLIC BILLS — *Ordered* — *First Reading*—Pollution of Rivers [186]; Erne Lough and River * [187]; Diocese of Exeter [185].

Second Reading—Prevention of Crimes Act Amendment [153]; Agricultural Holdings (Scotland) * [159], *debate adjourned*; Friendly Societies Act (1875) Amendment [177]; All Saints, Moss * [172]; Bankers' Books Evidence [171]; House Occupiers Disqualification Removal [29].

Committee—Poor Law Amendment [78]—R.P.

Committee — *Report* — Commons [51]; Public Health (Scotland) Provisional Order (Wemyss) * [105]; Burghs (Division into Wards) (Scotland) Amendment * [166]; Local Government Provisional Orders, Aberavon, &c.) (No. 7) * [164]; Burghs (Scotland) Gas Supply (*re-comm.*) * [175].

PARLIAMENT — ARRANGEMENT OF PUBLIC BUSINESS — MORNING SITTINGS.—QUESTION.

MR. P. A. TAYLOR asked the First Lord of the Treasury, If he will take

into consideration the propriety, when he proposes that the House shall have Morning Sittings on Tuesday and Friday, of arranging that Notices of Motion shall take precedence in the Morning Sittings of Tuesday?

MR. DISRAELI, in reply, said, he was afraid if he consented to the suggestion of the hon. Gentleman all that benefit which the House expected from a Morning Sitting would be prevented. It was not a proceeding which he would ever have recourse to, except towards this time of the year, when the pressure of Public Business was great; and it was his intention, with the permission of the House, that there should be a Sitting next Tuesday morning. In that case he should say with reference to the Question of the hon. Gentleman, that the Government could not undertake to make a House in the evening, because that was not in their power; but they used their utmost efforts to make a House in the evening when they asked for a Sitting in the morning. On Tuesday next he would propose, if the House assented to a Morning Sitting, that the Poor Law Amendment Bills for England and for Scotland should be taken at the Morning Sitting.

PARLIAMENT — PRIVILEGE — EXCLUSION OF STRANGERS.

QUESTION.

MR. CHARLES LEWIS asked the First Lord of the Treasury, Whether, having regard to the cause of the adjournment of the Debate on the Resolution as to the Exclusion of Strangers from the 30th May last, he will make some other arrangement to ensure the continuance of the Debate at an earlier hour than that of a late Order of the Day on Tuesday the 13th of June, after the discussion on Motions and several other Orders of the Day?

MR. DISRAELI, in reply, said, that the Order of the Day was fixed for the 13th of this month; and in the present state of Public Business he could not venture to interfere with its position on the Notice Paper. He could not, therefore, at this moment see any prospect of meeting the wishes of his hon. Friend; but he would bear the matter in mind.

Mr. P. A. Taylor

COMMONS BILL.—[BILL 51.]

(*Mr. Assheton Cross, Sir Henry Selwin-Ibbetson.*)

COMMITTEE. [*Progress 1st June.*]

Bill considered in Committee.

(In the Committee.)

PART II.

AMENDMENT OF THE INCLOSURE ACTS.

Field Gardens and Recreation Grounds.

Clause 18 (Situation of allotments for recreation grounds and field gardens).

MR. SHAW LEFEVRE proposed an Amendment requiring that in all schemes for inclosure there should be appropriated for the purposes of recreation or of field gardens an allotment of not less than one-tenth of the whole common to be inclosed. The object of the Amendment was to provide that when inclosure took place greater regard should be had to the interests of the poor. Hitherto, since the passing of the Act of 1845, the provision for the allotment of garden and recreation grounds for the labouring poor had been of the most niggardly description. The agricultural labourer whose cottage was in the neighbourhood of a common practically enjoyed the right of turbary and the right of turning out his cow, his donkey, or his geese upon the common, although in strict law the right of common, being only appurtenant to land, belonged to the owner of the cottage, of which the labourer might be only a weekly tenant. Parliament, therefore, had thought that their practical enjoyment of those rights entitled the agricultural population to consideration when a common was inclosed; and, accordingly, under the Act of 1845, power was given to set out garden allotments of not more than a quarter of an acre each. If the Commissioners in carrying out the Act had not made sufficient reservation for garden allotments and recreation grounds, he admitted that the House was as responsible for that as the Commissioners themselves were. But in the Committee which sat in 1869 on that subject the Commissioners explained the principles on which they made garden allotments. They stated, for example, that they made no such allotments where the cottages were already supplied with gardens, and they did not take into consideration the possible increase of labouring men. Now, he maintained that where

the agricultural poor had practically enjoyed rights of common it was unjust to tell them, when the common was about to be inclosed, that they were to have nothing, because they had already got a small bit of land attached to their cottages. It was only fair and reasonable that some allotment should be made to them. The same argument applied to recreation grounds. Hitherto miserably insufficient bits of land had been set out by the Commissioners for that purpose, one or two fenced-in acres being offered as the equivalent for the right of ranging over the whole common. As to recreation grounds, that Bill went somewhat beyond the Act of 1845, because it removed restrictions and left greater discretion with the Commissioners. But their acts for the future might be judged of by their acts in the past. It was most desirable that some limit should be laid down, especially as in future there was to be no appeal to the House for the amendment of the inclosure scheme, and the House could only accept or reject it. The Government in 1871 therefore laid down in their Inclosure Bill a limit up to which those reservations for allotment gardens and recreation grounds should be made; they thought that one-tenth of the common about to be inclosed should be so reserved, but that the reservation should not exceed 50 acres. The clause so amended was approved of by the House of Lords, and he would submit to the Home Secretary whether it would not be wise to act generously with regard to this matter, particularly as the labouring classes believed that the protection proposed to be given to them was insufficient. The hon. Gentleman concluded by moving his Amendment.

Amendment proposed,

In page 16, line 4, after the word "appropriated," to insert the words "and the Inclosure Commissioners shall require, and in their Provisional Order for the inclosure of the waste lands of any manor specify as one of the terms and conditions of the inclosure thereof, the appropriation free of all charge for the purpose of a recreation ground or recreation grounds, or a field garden or field gardens, or partly for one purpose and partly for the other, of an allotment not less in extent than one-tenth part of the whole of such waste lands; and whenever the waste lands of a manor proposed to be enclosed shall exceed five hundred acres it shall be open to the Commissioners to make such allotment as they shall think fit, having regard to the special circumstances of the neighbourhood, provided only that no such allotment shall

be more than one-tenth of the said waste lands, nor of less extent than fifty acres: Provided always, That notwithstanding anything in the Inclosure Acts, 1845 to 1868, contained, it shall not be necessary to drain and level more than twelve acres of any allotment or allotments for the purpose of a recreation ground or recreation grounds."—(*Mr. Shaw Lefevre.*)

MR. ASSHETON CROSS must ask the Committee to reject the Amendment. He considered that each scheme ought to be considered by itself and upon its own merits, and, therefore, that no maximum or minimum should be fixed with respect to the reservation of recreation grounds. If a tenth were fixed upon as a limit the result would be that in the case of the larger commons the recreation grounds would be much greater than the requirements of the population, while in the case of the smaller commons, which were generally situated in populous districts, the quantity reserved would be too small. He believed the fact that Parliament would have the power of throwing out an inclosure scheme would be strongly in favour of those who did not want commons to be inclosed. By throwing out one or two schemes in which sufficient provision was not made for the public and the labouring poor the House would effectually prevent the bringing forward of schemes which did not come up to the approved standard. The hon. Member thought that nothing was done by this Bill for the labouring poor, but he denied the accuracy of that view. They had done a great deal for the poor. They had provided for the expense of clearing all the allotment grounds, which, instead of being handed over to the cottagers in a rough state, would be placed in a fit and proper condition at the expense of those to whom the commons belonged. They were also given other advantages; but the main ground on which he resisted the Amendment was that every case ought to be considered on its own merits, and that the Committee ought not to be tied down by any hard-and-fast rule.

LORD EDMOND FITZMAURICE observed, that although each scheme was to be determined on its own merits, it might so happen that when a scheme came before the Commissioners some member might approve of the whole of it, except that the recreation ground set out was insufficient, and he would consider himself incurring a grave responsibility if he insisted in throwing out the

whole scheme on that ground. A power of amendment ought therefore to be given.

MR. GOLDNEY said, the hon. Member for Reading (Mr. Shaw Lefevre) in his regard for the labouring poor, forgot that in a great number of cases there were no labouring poor to enjoy the extensive reservation of these commons which he would secure for them. If the Committee looked at the Bill as a whole they would see that under the present system there were common wardens and proprietors whose interest it was to see that no injury was done to the commons; but in future if large spaces were set out where there was no corresponding population, there would be no one practically to look after its management; it would become a "no man's land," and the source of all sorts of evil. In his opinion the special circumstances of each common ought to be taken into consideration by the Commissioners when they laid down their scheme for its inclosure.

MR. FAWCETT said, the country had ample opportunity of considering this point and they had decided in its favour. The Home Secretary constantly in these debates referred to the decisions of the Committees of 1869 and 1871, when they agreed with his proposals as conclusive on all controverted points. But the Secretary of the Treasury (Mr. W. H. Smith), who was on that Committee, and took the greatest interest in its proceedings, moved a clause exactly identical with the present Amendment, which was repudiated by the Home Secretary. The Committee was entitled to know whether the Secretary to the Treasury adhered to his former views, or if not, what had led him to change them. The Home Secretary asked the Committee to place confidence in the Inclosure Commissioners, but when he saw what their recommendations were he could not do so. In one case there was a scheme for inclosing 685 acres, and out of that they only proposed to reserve for recreation two acres; and in another case there was a beggarly reservation of one acre, which was their last creditable performance! ["Where?"] In these cases there ought either to be no reservation at all, or a very different one. He found four acres was their usual allowance in the case of large allotments; but unless the House, instead of leaving it to their dis-

cretion, fixed on a definite proportion, they could not be sure even of that. In the last Bill this very proposition of one tenth was passed, but in "another place" a noble Duke said that the rights of property were in danger—that it was confiscation; and the Bill was in that "other place" in that way unceremoniously rejected. The House must, therefore, distinctly assert the principle that the public and the poor had rights in these commons. He thought that the Government ought to accept the Amendment.

MR. GREGORY said, that the hon. Gentleman who had just sat down accused the Home Secretary of unfairness when he pointed out that the Report of the Committee of 1869 agreed with his proposals; but the unfairness of the hon. Member in his remarks upon the Commissioners was much more to be condemned. He quoted isolated cases, but did not give their names, which rendered it difficult to follow him. He (Mr. Gregory) thought he had found out the case of 600 acres and the beggarly two acres of reserve on which he had wasted so much scorn and indignation. At St. Dennis, where the common lands proposed to be inclosed were 636 acres, the inhabitants were 1,064, part of whom were engaged in the china and clay works, and the rest in agriculture. The two acres were set apart for an outlying hamlet for recreation, and six acres for gardens; while in St. Dennis itself every cottage had a garden varying from five perches to half an acre; and it was situated at the distance of a mile from any part of the moor, which could not be available so as to render it suitable for exercise and recreation. But the Commissioners did not consider four acres as a maximum, for on turning over the Report in his hand he had just hit on a scheme in the Potteries where the land inclosed was 31 acres, and the allotment 10 acres, or just about one-third. The reason given was that it was near two large towns, and it showed that the Commissioners had adopted and followed out the right principle—namely, that of being guided in each case by its own circumstances.

MR. SHAW LEFEVRE said, that was a case where there ought not to be any inclosure at all, the common in question being in the very heart

of the Potteries, and surrounded by Stoke, Burslem, Newcastle-under-Lyne, Hanley, &c. He wished to explain that in alluding to the Acts before 1845 he had by no means intended to express his approval of them. What he meant was that, on the whole, the interests of the neighbourhood were better protected before 1845 than they had been since. In his own district large reservations had been made for the poor under private Acts before 1845. The feeling against the Inclosure Commissioners had been caused by the insufficient reservations made by them; and, judging from the speeches delivered by the Duke of Richmond and Gordon, the Marquess of Salisbury, and other noble Lords, in the House of Lords, it was unlikely that they would make proper reservations in the future. Therefore, he moved the Amendment, which laid down a rule that henceforth adequate provision should be made for this purpose. He wished, however, to propose it as an addition to the clause.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 67; Noes 110: Majority 43.

Clause 19 (Amendment of law as to letting field gardens).

MR. FAWCETT moved, in page 16, line 29, after "gardens," insert "not exceeding an acre each."

Amendment *agreed to*; Clause, as amended, *agreed to*.

Clause 20 (Application of surplus rents of recreation grounds and field gardens).

MR. SHAW LEFEVRE moved, in page 17, line 27, after "neighbourhood," to insert—

"The trustees of any recreation ground and the allotment wardens of any field gardens may, with the approval of the Inclosure Commissioners, sell all or any part of the allotment vested in them, and out of the proceeds of such sale purchase (by agreement or otherwise) any fit and suitable land in the same parish or neighbourhood: Provided, That the land so purchased shall be held in trust for the purposes for which the allotment so sold as aforesaid was allotted, and for no others: And Provided, That the Inclosure Commissioners shall not sanction any such sale as aforesaid unless and until it shall be proved to their satisfaction that land more suitable for the purposes for which the allotment proposed to be sold was allotted may and will be

forthwith purchased; and the proceeds of any such sale shall be paid to the Inclosure Commissioners, and shall remain in their hands until such purchase of other land as aforesaid.

"For the purpose of any such purchase of land as aforesaid "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same, shall be incorporated with this Act, except the provisions relating to access to the special Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act; and the promoters of the undertaking shall be construed to mean, in the case of the purchase of land for a recreation ground, the trustees of such recreation ground; and in the case of the purchase of land for field gardens, the allotment wardens of such field gardens."

Amendment *agreed to*; Clause, as amended, *agreed to*.

Clause 21 (Reports to be made by managers of recreation grounds and field gardens) *agreed to*.

Clause 22 (Amendment of law as to town and village greens.)

SIR CHARLES W. DILKE (for Mr. MACDONALD) moved, in page 18, line 7, after "mentioned," to insert—

"But no public meeting held on such village green or recreation ground shall be deemed a public nuisance under this Act."

MR. ASSHETON CROSS said, he should not like to accept these words. Some meetings might be very proper, but others might be very improper; and while he sympathized with the object of the proposal, he must have regard to the right of the public to have the enjoyment of these open spaces.

MR. DODSON thought the language of the Amendment too wide.

MR. SHAW LEFEVRE believed it was a mistake to suppose that this clause would interfere with the right of public meeting.

Amendment, by leave, *withdrawn*;

Clause *agreed to*.

General Amendments.

Clause 23 (Substitution of Summary Jurisdiction Act, 11 & 12 Vict. c. 43. for repealed Act, 7 & 8 Geo. 4. c. 30, in certain sections of the Inclosure Acts), *agreed to*.

Clause 24 (Extension of Sec. 105. of the Inclosure Act, 1845, as to exchanges and partitions), *agreed to*.

PART III.

Miscellaneous.

Clause 25 (Repeal of certain parts of the Inclosure Act, 1845, and amendment of law as to reports.)

MR. FAWCETT moved the omission of certain words in order to provide that certain commons (which he named) might be brought under the regulation clauses of the Bill, and so saved to the people for purposes of enjoyment and recreation. The commons to which he referred were situated in the neighbourhood of large towns, many of them places in which manufactures were carried on, and the populations of which therefore stood in need of as much fresh air and space for exercise as could be obtained. Under the scheme of the Inclosure Commissioners the portion of these commons proposed to be set apart for recreation grounds was altogether inadequate. To inclose many of the commons, which were very small, would be of no real advantage to anybody, to leave them open under the regulation clauses would prove an immense boon to the teeming populations resident in their neighbourhood. If the old law was inadequate to prevent the public being wrongfully dispossessed of privileges of great value to them, and did not give proper security against wrongful inclosures and for ample reservations in favour of the poor, was it, he asked, unreasonable that the commons he had referred to should be rendered subject to the operation of the present Bill? If he was told in reply that Provisional Orders had been made for them on the Report of the Commissioners, he would ask what became of the control of that House with respect to any inclosures for which Provisional Orders had been given? Under all the circumstances, he hoped some alteration would be made in the Bill with regard to the commons to which he alluded.

MR. ASSHETON CROSS said, that technically speaking, the retention or omission of the words referred to in the Amendment of the hon. Member would, as he had been advised, make little difference so far as the operation of the clause was concerned, but the point raised—namely, What was to become of those inclosure schemes which had already passed through the ordeal of the Inclosure Commissioners?—was one of considerable importance. Certain

schemes had been passed by the Inclosure Commissioners, and a certain amount of expense—about £700 he understood—had been incurred by the parties interested in those schemes, giving an average of a little more than £30 in each case. He would remind the hon. Gentleman that the awards of the Inclosure Commissioners were of no avail until they were confirmed by Parliament. Of late years Inclosure Bills had been introduced, but very few indeed, if any, had passed. He had been in communication with the Inclosure Commissioners on the subject, and the result of his consideration of the matter was this—he would submit a clause on the Report authorizing the Secretary of State to send schemes, Provisional Orders, or whatever they might be called, to a small Committee consisting of one of the Inclosure Commissioners and other Gentlemen selected by him to be further considered by them. On their Report the Secretary of State would form his opinion, and, if necessary, would refer the scheme back to the Commissioners to consult as to the steps to be taken under the altered circumstances of the case. Many of the schemes referred to the House, he believed, would never sanction; but there were others which he thought ought to be agreed to without further expense or delay.

MR. BERESFORD HOPE said, he was in favour of the Amendment; but he considered the statement of his right hon. Friend so satisfactory that he thought the matter might safely be left in his hands.

MR. SHAW LEFEVRE was glad that the Home Secretary proposed to bring up a clause on the Report to enable him to refer back certain schemes to the Inclosure Commissioners, and he trusted that when the clause was presented it would prove sufficient for the purpose.

MR. GREGORY, with reference to the allotments made by the Commissioners which had been alluded to, pointed out that they had been acting under the Act of 1845, under which the acreage for allotments was strictly limited.

LORD HENRY SCOTT, now that the Home Secretary had undertaken to deal with the question, hoped that there would be an end to the objectionable schemes which had been too often sanctioned by the Commissioners.

MR. FAWCETT expressed his satisfaction at the offer of the Home Secretary, but declined to express a decisive opinion until he had seen the words of the clause.

Amendment negatived.

Clause agreed to.

Clause 26 (Act not to apply to metropolitan commons), *agreed to.*

Clause 27 (A common regulated under Act not to be inclosed without sanction of Parliament), *agreed to.*

Definitions.

Clause 28 (Definitions) *agreed to.*

MR. ASSHETON CROSS moved, after Clause 22, to insert the following clause :—

(Jurisdiction of county court in respect of illegal inclosures.)

“A county court within whose jurisdiction any Common or part of a Common is situate shall have jurisdiction to hear, in respect of such Common, any case relating to any illegal inclosure or encroachment made after the passing of this Act, or to any nuisance impeding the exercise of any right of Common arising after the passing of this Act, and to grant an injunction against such inclosure, encroachment, or nuisance, or to make an order for the removal or abatement of such inclosure, encroachment, or nuisance.

“Any person aggrieved by any injunction granted or order made or refusal to grant an injunction or make an order by a county court in pursuance of this section may, on giving security for costs to the satisfaction of the county court, appeal to the High Court of Justice in a summary manner, or by special case or otherwise, as may be prescribed by rules of court to be made by the Supreme Court of Judicature in manner provided by the seventeenth section of the Supreme Court of Judicature Act, 1875.

“The appellate court may on hearing the appeal reverse, modify, or confirm the injunction or order complained of, or remit the case to the county court from which the appeal lay, with instructions to deal with the case according to the directions given by the appellate court.

“Where an appeal is lodged against the order of a county court directing the removal or abatement of any inclosure, encroachment, or nuisance, such order shall be suspended during such time as such appeal is pending.

“Nothing in this Act contained shall abridge or interfere with any existing right of abating or otherwise preventing any illegal inclosure or encroachment on any Common, or any nuisance interfering with any right of Common.

“Until rules of court are made for the purposes of this section, an appeal may be had from the decision of any county court under this section in the same manner in which an appeal from the decision of a county court may be had in a case within its ordinary jurisdiction.”

MR. SHAW LEFEVRE thought the clause good as far as it went; but if the right hon. Gentleman wished to put a stop to these illegal encroachments, he must be a little bolder. These arbitrary encroachments were really confiscations. He would accept the clause, although he did not think it applied a sufficient remedy.

LORD HENRY SCOTT wished the clause had gone further, and desired to ask the right hon. Gentleman the Home Secretary whether he could not devise a clause which would bring all inclosures under the eye of some authority—the Inclosure Commissioners or some other body.

Clause agreed to, and added to the Bill.

LORD EDMOND FITZMAURICE moved, in page 3, after Clause 2, to insert the following Clause :—

(Repeal of statute called the “Provisions of Merton,” and of other statutes.)

“2a. The following statutes shall be repealed from and after the passing of this Act, viz. :—

Chapter four of the statute of the twentieth year of Henry the Third, called the ‘Provisions of Merton;’

Chapter forty-six of the statutes of King Edward, made at Westminster in his Parliament at Easter in the thirteenth year of his reign, commonly called the statute of ‘Westminster the Second;’

An Act of the third and fourth years of Edward the Sixth, chapter three, entitled ‘An Act concerning the improvement of Commons and Waste Grounds.’”

The noble Lord said, that the effect of the Statute of Merton was to give power to the lord of the manor to enclose part of the common land without having obtained the consent of the commoners thereto; but the state of things in England was entirely changed since that Act was passed, and it had indeed become obsolete. The only practical effect of the statute now was to encourage illegal inclosures. The Committee of 1865 were, he added, unanimously in favour of its abolition, which would be desirable even merely as a matter of law reform. He was aware that it had been said that the Statute of Westminster was only declaratory of the common law, but that was a position controverted by those who had made a special study of the question.

New Clause—(*Lord Edmond Fitzmaurice*)—*brought up*, and read the first time.

Motion made, and Question proposed, “That the Clause be read a second time.”

MR. ASSHETON CROSS pointed out that the statute was founded on the common law, and was afraid that its abolition, instead of being a reform, would lead to complications, inasmuch as it affected the titles by which the rights over commons were in many cases exercised. To interfere as proposed with those titles would, he thought, be a very strong proceeding, and he therefore hoped the Committee would not accept the clause.

MR. SANDFORD said, that he believed, though opinions differed on the subject, that the Statute of Merton was not an exacting, but a declaratory statute of the common law. If the statute were repealed it would probably be necessary to go further and repeal the common law also. Whilst saying this, however, he was very much in favour of limiting inclosures by lords of the manor under the Statute of Merton.

MR. SHAW LEFEVRE said, the object of repealing this statute was, if possible, to get rid of those legal proceedings which had been frequent during the past 10 years in reference to commons. Though there was very high authority (Lord Coke) for saying that the Statute of Merton was simply declaratory of the common, there were some recent decisions which looked the other way. It had been held that the Statute of Merton did not apply to right of "turbary," and, if so, it could not be simply declaratory of the common law. The statute was practically obsolete, for the lord could never show that after his inclosure there would be sufficient land left for the commoners. He believed that the statute might be repealed without interfering with any right of importance.

Question put.

The Committee divided:—Ayes 28; Noes 79: Majority 51.

MR. RALLI moved, in page 15, after Clause 15, to insert the following clause:—

(Definition of power of Charity Commissioners in certain cases.)

"Whereas by several awards made under the authority of Inclosure Acts prior to the year one thousand eight hundred and forty-five, fuel allotments for the poor have been set out and awarded, and vested in divers persons and bodies of persons as trustees of such allotments."

"And whereas under the provisions of the Inclosure Acts, 1845 to 1868, and the several Acts of Parliament and awards made there-

under, allotments for recreation grounds and field gardens have been set out and awarded to the churchwardens and overseers of parishes and other persons:

"And whereas power is claimed by the Charity Commissioners for England and Wales and by other bodies, under divers Acts of Parliament, to divert such allotments from the uses declared by Parliament respecting the same: Be it Enacted, That after the passing of this Act, notwithstanding anything in any other Act contained, it shall not be lawful (save as hereinafter mentioned) to use any such allotment, or any part thereof, for any other purpose than those declared concerning the same by the Act of Parliament and award, or either of them, under which the same has been set out: Provided, That it shall be lawful for the said Charity Commissioners, upon the written application of the trustees of any fuel allotment, and with their consent and the consent in writing of two-thirds of the persons for whose benefit the said allotment was set out, to authorise the use of such fuel allotment as a recreation ground and field gardens, or for either of those purposes, and to make an order under the provisions of "The Charitable Trusts Act, 1860," for the establishment of a scheme for the administration of such fuel allotment accordingly."

He said that the object of his clause was to preserve the fuel allotments and the allotments for recreation grounds for the purposes for which they had been set apart, or, in other words, to prevent them from being diverted from the uses declared respecting them.

MR. ASSHETON CROSS said, he did not see why this property should have more protection than any other especial property. It would be rather hard to tie this property up without the possibility of any interference with it by the Charity Commissioners. At the same time, he saw no particular harm which the clause would do.

MR. SHAW LEFEVRE said, the substitution of land for money to be spent in coals for distribution amongst the poor was undesirable from its demoralizing effect. It would be better that it should be devoted to recreation grounds or allotment gardens. It was also desirable to stop this land from being devoted to the building of schools.

Clause agreed to, and added to the Bill.

MR. SHAW LEFEVRE moved, after Clause 27, to insert the following clause:—

(Proof of ancient rights over Town and Village Greens.)

"Whereas the strictness of proof required by law to establish a custom makes it difficult to

maintain the ancient rights of the inhabitants of towns and villages over the pieces of land known as Town Greens and Village Greens, by reason that such pieces of land, being commonly unfenced, are occasionally used for recreation by other persons than inhabitants of the places in which the same lie, and also by such inhabitants themselves, for purposes other than recreation: Be it Enacted, That after the coming into operation of this Act evidence of the customary right of the inhabitants of any town, parish, vill, tithing, or hamlet to the use for purposes of recreation of any piece of land commonly known as or reputed to be the Town Green, Village Green, or recreation ground of such town, parish, vill, tithing, or hamlet, when the use thereof by such inhabitants for the purposes aforesaid has been shown during such a period as according to law constitutes user from time immemorial, shall not fail because it is proved that such piece of land has also been used for recreation by persons not being inhabitants of such town, parish, vill, tithing, or hamlet, or by some of the inhabitants thereof, for other purposes not inconsistent with such rights of recreation.

"Nothing in this section contained shall affect the exercise of any rights not inconsistent with the said rights of recreation which may lawfully be exercised by the owner or owners of the soil, or any other person or persons, upon or over any such piece of land."

MR. ASSHETON CROSS opposed the clause. He thought it was necessary to prove in such cases that there was an absolute user as of right by the inhabitants of the village.

MR. SHAW LEFEVRE pointed out that as the law now stood it was practically impossible to prove the ancient rights of the inhabitants over town and village greens in the neighbourhood of large towns.

Clause negatived.

MR. GREGORY moved the following clause:—

(Power to raise money for improvement of Common.)

"A Provisional Order for the regulation of a Common may provide for the raising from time to time by such persons interested in the Common, and with such amounts as the Commissioners think fit, of money to be applied towards the improvement of such Common, either by means of rates to be levied on the persons and in respect of the property who and which respectively will be benefitted or principally benefitted by such improvement or regulation, or by means of the sale of any outlying or other small portion not exceeding in the whole one-fiftieth part of the total area of such Common, or by means of letting the pasturage of a part of the Common for any term not exceeding twenty-one years, and mortgage of such lease."

The object of the clause was for the

protection of a common in North Devon known as Westward Ho.

MR. SHAW LEFEVRE objected to the latter part of the clause, as the power of letting would virtually lead to the inclosure of at least a great portion of this and other commons. He moved the omission of the words—

"Letting the pasturage of a part of the Common for any term not exceeding 21 years, and mortgage of such lease."

SIR THOMAS ACLAND said, there was no other means of preserving this common from the encroachments of the sea.

SIR WILLIAM HARCOURT said, the words would apply to all commons, as they were general and not particular.

MR. GREGORY said, the Committee might very well leave it to the Commissioners to see that the proposal was carried out for its legitimate object.

MR. RYLANDS supported the Amendment.

MR. FAWCETT said, the proposal would infringe the main object of the Bill.

MR. BERESFORD HOPE said, there was no necessity for creating such a long vested right in the pasturage as 21 years. It might be let from year to year.

SIR THOMAS ACLAND said, that if the pasturage of Westward Ho could not be let a portion of the common must be sold to raise sufficient funds for the protection of the remainder.

MR. ASSHETON CROSS thought there was no necessity for a lease, and security should be taken that the land so let should not be inclosed.

Amendment agreed to.

Clause, as amended, *agreed to*, and *added to the Bill.*

MR. WALSH moved the following clause:—

(Appointment of valuer to be confirmed by Commissioners.)

"An appointment of a valuer after the passing of this Act shall not be valid until it has been confirmed by the Commissioners. The Commissioners may disapprove of a valuer on the ground of his incompetency, interest, want of impartiality, or any reasonable cause, and where they so disapprove of a valuer may call a meeting, and a meeting may be held to appoint, and another person appointed (subject to the approval of the Commissioners) to be valuer in like manner

as if no previous meeting had been held, and no valuer had been previously appointed, and so on until a valuer approved by the Commissioners is appointed."

The ground upon which he moved the clause was, that a man appointed valuer, might be incompetent or interested, and in other respects not the proper person to appoint.

Clause agreed to, and added to the Bill.

SIR WILLIAM HARCOURT moved the following clause:—

"The unlawful inclosure of any Common or part of a Common shall, after the passing of this Act, be deemed to be a public nuisance."

The hon. and learned Member said, he did not propose in this Amendment to trench upon the rights of property. That was out of the question. He wished only to interfere with unlawful inclosures, and that he believed was the object which the Home Secretary had in view. When a party came to Parliament and got a power to inclose a common, Parliament protected him; and he thought, with regard to uninclosed commons, the same legal right of protection should be given to the poor, and any invasion of it should be regarded as an illegal act against the public rights, and one which the public had a right to resist. But the poor were not in circumstances to bring an action in a Court of Law to defend their right, and the Parliament should therefore protect them, so that the party illegally inclosing should be compelled to remove the nuisance. The evil of the present state of things was that there were encroachments being made, not under the Statute of Merton, nor under any Common Law right, but by force of the strong arm, or rather the strong purse, of the person either encroaching on or inclosing a common, trusting that those who had a right to resist him would not be powerful enough to do so. He approved of the course which the Home Secretary had adopted with regard to encroachments on village greens, and he only wanted him to take the same course with reference to commons. The effect of the clause which he proposed would be to give a larger *locus standi* to resist unlawful inclosures—that was, instead of giving it to a few commoners, who might be poor, they would give it to the public

at large. The result of making it a public nuisance to unlawfully obstruct or inclose a common would be that any one might abate it, and then the person who put up the obstruction or inclosed the common must prove his title. By adopting this clause the Committee would recognize in the public some right in the commons, and if they were not prepared to make that admission, then the Bill would be of no use at all. He believed the time had come when they ought to recognize that there was a public advantage in these commons which the public had a right to protect. Mr. Augustus Smith, whom he regarded as a public benefactor, prevented the inclosure of a beautiful common by pulling down the railings which had been erected; but he happened to be a commoner, and therefore had a *locus standi*, which enabled him to act. In like manner, the Corporation of London, having a *locus standi*, were able to preserve Epping Forest for the public; but they ought not to allow the prevention of a public wrong to depend on the accident of a wealthy person or body having a *locus standi*. He believed the Home Secretary was as anxious as any one could be to prevent unlawful inclosures; and he hoped, therefore, that he would accept the clause either in its present or in any other form that would effect that object.

New Clause—(Sir W. Vernon Harcourt,)—brought up, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. ASSHETON CROSS said, he did not think the hon. and learned Member quite saw the effect of his own clause. He said he did not want to trench on any rights, but the effect of the clause would be to do so. There was a very great distinction between a village green or a highway and a common. A village green was clear and defined; everybody knew what it was, and nobody had a right to encroach on or inclose it. Therefore, any inclosure of it was practically unlawful. So, again, in the case of the Queen's highway. No one had a right to inclose it, and any obstruction of it would be a public nuisance, which any one would have a right to abate. But

in the case of commons it was admitted that there were persons who had a right, under certain conditions, to inclose them. Suppose the lord of the manor, with the consent of the commoners, proceeded to make an inclosure, which he had a perfect right to do, it was clear, if this clause were adopted, that any one who said this was an unlawful inclosure would have a right to indict him for a public nuisance. That appeared to him (Mr. Assheton Cross) to trench on the rights of property. Again, though the lord and commoners had legally inclosed, if they afterwards wished to sell any portion of the common they would never be able to make out a title, for 30 years after the inclosure some one could come forward and say it was a nuisance, and abate it. If that was not trenching on private rights, he did not know what was. If the clause said that the inclosure of a common, when it was proved to be unlawful, was a nuisance, he would not object to it; but he could not accept the proposal of the hon. and learned Member in the form in which it now stood before the Committee.

SIR HENRY JAMES pointed out that if a nuisance were erected on what was called a village green the first thing to be determined would be what the limits of the village green were, and therefore the very same question would be raised as in the case of the unlawful inclosure of a common. The suggestion of the right hon. Gentleman to apply the clause to cases where common had been declared to be unlawfully inclosed would be of no advantage whatever, because the tribunal having declared the inclosure unlawful it would, of course, be abated. His hon. and learned Friend's Amendment stood on the foundation that the inclosure was unlawful. The objection that a man might be indicted for an inclosure which was subsequently found to be lawful applied to every case of an indictment being brought against an innocent man. The clause simply amounted to this, that whereas at present a commoner could abate an inclosure if it were unlawful, the clause, if adopted, would give that power to the inhabitants generally.

THE ATTORNEY GENERAL said, that the village greens referred to in the Bill were only those greens or recreation grounds which had an old and defined boundary. The inclosure of such a green

would be unlawful, and he saw no reason why such an act should not be treated as a public nuisance. To say, however, that any one who considered the inclosure of a particular common a nuisance would have a right to throw the inclosure down and abate it would be to leave the owner, although he had acted legally, practically without a remedy, for he could only proceed by an action at law against those who had thrown down the inclosure, who, in all probability, would be unable to satisfy his claim for damages. It would also be objectionable that a man, if he had unlawfully inclosed a common, should be liable after the lapse of 60 years to be proceeded against by indictment. No lapse of time would, under such circumstances, give him a title to the property. The law at present gave lords of manors and commoners a right to inclose under certain conditions; but the effect of this clause, if it was agreed to, would be far too stringent on the owners of property, whose rights the Bill set out by declaring them to be preserved.

MR. SANDFORD said, the clause would only apply to the owners of property who had illegally inclosed commons, not to those by whom they had been legally inclosed. Lords of the manor or others would be deterred from making illegal inclosures, by the knowledge that they forbade them, and provided a direct means of preventing them. He thought that principle ought to be adopted not only with reference to individual instances, but on the grounds of public policy, and the clause would really be one of the most valuable in the Bill if the Amendment of the hon. and learned Gentleman was adopted.

MR. SHAW LEFEVRE said, the Amendment simply gave the public the power of calling upon lords of manors to show their right to inclose. The Bill had in some respects gone in that direction; and this Amendment, while it would not interfere with any existing right, would certainly prevent illegal inclosures.

MR. FAWCETT said, if the Amendment was not adopted the Bill would leave untouched the greatest evils of the present law. They all knew cases in which village greens and commons had been gradually filched from the public; but if this Amendment were agreed to it would give the public a right to re-

claim such illegal appropriations without regard to the lapse of time. If that right were not given, when the Bill came to be examined by those outside who were interested in the matter it would be pronounced to be worthless.

SIR WILLIAM HARCOURT said, he had as much respect for the rights of property as either the Home Secretary or the Attorney General, and the Amendment did not trench upon these rights in the slightest. One of the arguments of the Attorney General against the Amendment was that it would prevent the legalization of illegal inclosures after the lapse of time—say 30 years. That was just what he and those who agreed with him wanted to do. The Bill for lords of manors was an admirable one, and that was no doubt the reason why it appeared to give such satisfaction to the hon. Member for Worcestershire (Mr. Knight) who was the greatest incloser in the country. They might be defeated on a division; but at the last moment and at the last stage of the Bill he felt that they were bound to enter a protest against the power to make illegal inclosures, which would be left untouched by the Bill.

MR. LOPES opposed the clause as giving an entirely new remedy, and as being an invasion of existing rights of property.

Question put.

The Committee *divided*:—Ayes 30; Noes 64: Majority 34.

MR. KNIGHT stated that he had never made an illegal inclosure.

MR. BERESFORD HOPE (for Lord HENRY SCOTT) moved in the Preamble, page 2, line 4, to leave out after "commons" to "interests," in line 6, and insert—

"And that inclosures of Commons should not be hereinafter made unless it can be proved to the satisfaction of the said Commissioners and of Parliament, that such inclosure will be of benefit to the neighbourhood as well as to private interests, and to those who are legally interested in any such Commons."

MR. ASSHETON CROSS said, he had no objection to the Amendment, but he suggested that words should be inserted stating that a preference should be given to regulations over inclosure schemes.

Mr. Fawcett

MR. BERESFORD HOPE thought this would be an improvement.

Amendment amended, and *agreed to*.

MR. FAWCETT moved in page 2, line 16, after "whereas," to insert—

"It is no longer expedient, as recited by 'The General Inclosure Act, 1845,' to facilitate the inclosure of Commons, but."

MR. ASSHETON CROSS expressed his belief that the Amendment just agreed to would meet all the purposes they had in view.

Amendment, by leave, *withdrawn*.

Preamble *agreed to*.

Bill *reported*; as amended, to be considered upon *Monday* 19th June, and to be *printed*. [Bill 184.]

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

METROPOLIS—HYDE PARK CORNER.

RESOLUTION.

MR. C. B. DENISON, in rising to move—

"That the annually increasing congestion of traffic in the approaches to Hyde Park Corner has become the source of hindrance, annoyance, and danger to the public, and merits the early attention of this House,"

said, the importance of the matter was so great that he was justified in bringing it before the House by a direct Motion rather than leave it to be discussed on the Vote for the Public Parks in Committee. The question had been considered by the late Government, and the right hon. Gentleman (Mr. Adam) prepared a plan. Last year, also, a Vote on Account was taken for a scheme of the present Chief Commissioner of Works, but this scheme had been withdrawn, and another substituted, which was open for inspection at the Office of Works. Meanwhile the evil was a great and growing one. If the House took the line of traffic from east to west—from Charing Cross to Kensington—a distance of 2½ miles in a straight line, they would find that there was practically only one cross-over road for every species of traffic. It was much the same

as though the Thames flowed for that distance and there was only one bridge at Hyde Park Corner to accommodate the traffic from north to south. In all Europe there was no other capital in which the great arteries of traffic were so intercepted. The result was great delay to people having urgent business, and at times risk of injury to life and limb. The public were naturally jealous of any curtailment of the Parks, and he would be the last man in the country to propose anything of the sort; but the advantage to the public would be so great by the sacrifice of a small portion of the corner of the Green Park which abutted upon Hyde Park Corner as to utterly outweigh any sentimental objection. That would give a sensible relief to the great bulk of the traffic now existing, and it would require a very trifling outlay of money. Several plans to effect the object so much desired had been suggested. One plan was to throw open Constitution Hill to the general public, but that did not meet with favour, for reasons which remained now in their full force. Another was to make a road from Hamilton Place to Grosvenor Place by means of a partial tunnel, and that that did not meet with favour nobody was surprised. That plan was followed by a plan of the late Chief Commissioner (Mr. Adam) for diverting Constitution Hill roadway, thereby isolating the Archway and bringing Piccadilly by a sweeping curve down into Grosvenor Place. This plan also failed to meet with favour. The present First Commissioner had also his plan, which was to pass under Grosvenor Place by an archway, but there were engineering difficulties in the way, and that had to be abandoned. The latest plan was one, as he understood it, carrying further inland, so to speak, from Grosvenor Place the present Constitution Hill road by a curve, and then passing over Constitution Hill a new road from Hamilton Place down to Halkin Street West. This plan would involve the placing of gateways or arches both in Piccadilly and Grosvenor Place, and would, he feared, be very inconvenient. Of course, every plan would be sure to meet with objections—first, on æsthetic grounds; next, on the score of expense; and, lastly, from its interference with the Royal road by Constitution Hill and with the Archway and the Wellington Statue. The question,

however, was the most practicable mode of preventing the present great obstruction of traffic. His own idea was that it would be far better to draw a boundary line from Hamilton Place down to Halkin Street West, making that boundary the Green Park and throwing open the intervening space into an ornamental Platz, intersected by the necessary roadways. At any rate, it was a question for the consideration of the House, and he hoped that no plan would be carried out which had not been so considered and discussed in the House. The new plan of his noble Friend would simply give two roads running at right angles into the main road at a very short distance from each other. Such a plan would give no sensible relief to the traffic. He believed there was no satisfactory mode of remedying the evil except that of throwing open this corner of the Green Park as an open space and leaving it afterwards to be dealt with in the matter of roads and cross-roads as the traffic might from time to time require. As to the subsidiary questions of gradients, levels, and the like, he need not detain the House except to say that no possible gradient in these arrangements could be steeper than the one running by St. George's Hospital down Grosvenor Place; and the distance from any point being about the same the gradients would not materially differ.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the annually increasing congestion of traffic in the approaches to Hyde Park Corner has become the source of hindrance, annoyance, and danger to the public, and merits the early attention of this House,"—(*Mr. Christopher Beckett Denison,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. ADAM said, he was in office so short a time as First Commissioner that he had no opportunity of maturing the plans he had in contemplation. There was no doubt that something required to be done in the direction intimated by the Motion. The block of traffic during the season at Hyde Park Corner was a spectacle which no other capital in Europe could show. Seven different streams of traffic seemed

to meet at this point—one from Hamilton Place, two flowing east and west along Piccadilly, two flowing to and from Belgravia and Victoria Station, and two streams flowing out of and into the Park; and this without taking into account the carriages which passed from the Park into Constitution Hill. The difficulty, however, was how this immense traffic was to be relieved. Several plans had been submitted and considered, but none had yet been adopted. While he was in office a scheme was prepared by the Metropolitan Board which involved the throwing open of Constitution Hill to light traffic. The Government, however, were of opinion that this scheme interfered with the Park for pedestrian purposes, and it was consequently abandoned. His opinion was that no scheme which would curtail the privileges of pedestrians in the Park ought to be adopted. The Parks were primarily designed for pedestrians, and not for equestrians or people in carriages, and ought to be maintained in the interests of the former. To his mind the scheme which would commend itself most to public favour would be one which would interfere as little as possible with the use of the Park for pedestrians. Another scheme proposed to turn Piccadilly a little before it came to the Wellington Archway, leaving this Archway standing in the open, like the Arc de Triomphe in Paris. But the arch would, in this case, be isolated and useless, and the question would soon inevitably arise—"Why leave it there at all?" He had suggested a small palliative measure. There was at present an unnecessarily broad foot pavement on the Piccadilly side of the Archway and a little garden in front of the Archway. He proposed that this pavement should be thrown into the roadway and the foot pavement put where the garden now stood. One great advantage his proposal would have would be that it could be carried out within the space of three or four weeks. The model of the plan proposed by the noble Lord the First Commissioner of Works had not been seen by many hon. Members. He had had an opportunity of inspecting it, and he objected to the plan because it would cut across a corner of the Park and would interfere with the enjoyment by pedestrians of the Park. It was also open to the great objection that if it were

carried out one road would cross another road on the level. Each scheme proposed was no doubt attended with difficulties; but he believed the best solution of them all would be the removal and throwing back to the extent of 50 feet or 60 feet of the Archway surmounted by the equestrian figure of the Duke of Wellington to a position across the entrance to Constitution Hill. That would not in any way interfere with the space available for the public in the Park. The only objection to that plan would be the expense, but that could be got over. The suggestion, at all events, was well worthy of consideration.

SIR JAMES HOGG observed, that the Board of Works had given much consideration to the question before the House, and, speaking for himself, he must say he regretted that the Government of the day had not seen their way to carrying out the plan which the right hon. Gentleman opposite (Mr. Adam) had submitted to them. He had not seen the model of the plan proposed by his noble Friend, and could, therefore, give no opinion in reference to it; but this he must say—that some remedy must be found, and speedily, for the great inconvenience which now arose from the constant block of traffic at Hyde Park Corner.

LORD HENRY LENNOX said, he gave a cheerful and willing assent to the statement of his hon. Friend's Resolution—that the increasing congestion of traffic at Hyde Park Corner had become an annoyance and a grievance, and he could assure the House that he had given a great deal of time to the elaborating of a scheme for the remedying of that grievance. He did not consider that any plan which had been proposed could be regarded as perfect in all its details. All he could do was to recommend one which he believed would be attended with the fewest objections and the greatest benefits. There was always a great objection to throwing any of the Royal Parks into the roadway, and to do what his right hon. Friend (Mr. Adam) proposed would not only take off some of the Green Park, but make Constitution Hill a zig-zag for persons going across Piccadilly into Hyde Park. Neither of the plans which he had heard from his hon. Friend (Mr. Denison) would meet with his sanction. His hon. Friend had not seen the model of the

Mr. Adam

plan now proposed; if he had, he believed his hon. Friend would have said that it fairly met the difficulties of the case. If his hon. Friend had seen his (Lord Henry Lennox's) model, he would have perceived that if he made a road across the Green Park, from Hamilton Place to Grosvenor Place, he would have intersected the line of traffic from east to west by one coming down from the north. The road which he proposed to lay down, however, would do nothing of the kind. It would be 40 feet wide, and would be wide enough to hold four distinct lines of carriages—two going north, and two south. The road would be trumpet-mouthed at both ends. It would be from 76 feet to 100 feet wide in Piccadilly, and the heavy traffic coming from the Midland and Great Northern Railway Stations, and from the east and north-east, would come down Piccadilly, and instead of joining with the traffic coming down from Hamilton Place from the north, it would turn off by the trumpet-mouthed road across the Green Park, and run down Grosvenor Place to the Victoria Station of the London and Brighton and London, Chatham, and Dover Railways. The right hon. Gentleman (Mr. Adam) said he had seen the model, and that he objected to the scheme, because it required embankments and cuttings; but, in point of fact, the scheme did not include either embankments or cuttings. He also said there would be a great pressure of traffic crossing this road across Constitution Hill, in the same way that there was now from Grosvenor Place to Hyde Park across Piccadilly. The traffic, however, across Constitution Hill, as now regulated, did not amount to one-twentieth or even one-thirtieth the traffic which now ran along Piccadilly and met the traffic into Hyde Park. There would be gates, and there would be no more stoppage for traffic than existed all over London wherever two lines of thoroughfare met. Whenever the Royal carriages were seen coming either way, the gates would be closed for a few seconds, and then the traffic would be resumed. If the hon. Gentleman who said he (Lord Henry Lennox) had never given the reasons for abandoning his former scheme would refer to the answer he gave early in the Session, he would find that he gave up his scheme on account of certain engineering difficulties in the gradients,

which made it impossible to make a satisfactory job of it, and that he stated it was better to acknowledge an administrative failure than to carry out a plan which he was convinced, after a close examination, would not be satisfactory to the public. Among other engineering difficulties there would be a serious injury to the houses in Grosvenor Place, belonging to the Duke of Westminster. Constitution Hill must necessarily have been raised to such a height as to make a very steep embankment in front of those houses, thereby seriously prejudicing the light and comfort of the ground stories, if not partially of the first stories also. His hon. Friend knew that he could not carry out this scheme without asking for a Vote of money. He was not, however, asking for a Vote to-night for that purpose. After what happened last year his hon. Friend might feel satisfied he would not ride any hobby of his own to death, or carry out any road in which there might be serious difficulties without bringing it under the notice of the House. Even after that had been done, if he found that there were difficulties in the way, the course he had taken with regard to his plan of last year might teach his hon. Friend that he was not likely to force his own opinion in favour of a scheme which would be unsatisfactory to the public. The matter had given him great and constant anxiety, and he had looked into it very closely. He had examined the scheme of his right hon. Friend the Member for Clackmannan (Mr. Adam), and found that it would increase the difficulty. It would widen Piccadilly, which was not what they wanted. It would only widen the road to the extent of one line of carriages down Grosvenor Place, and would leave the narrow neck of the bottle almost untouched. He felt himself, therefore, unable to counsel the adoption of that scheme. He could assure his hon. Friend that every facility should be given to him to examine the model, and to express his views upon the plan when the Estimate for it was brought forward; and, in the meanwhile, he should be grateful for any assistance which his hon. Friend or his right hon. Friend opposite would give him in regard to this matter. He might mention in favour of his own scheme that the Inspector of Police who was responsible for the safety of the public

at Hyde Park Corner and Grosvenor Place had inspected his plan, and had reported that the relief which it would give to the heavy traffic would be enormous, and that, in his opinion, it would be the only reasonable solution of the difficulty.

MR. C. B. DENISON said, that after what had been stated by the noble Lord he would not put the House to the trouble of dividing on this question.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

CLASS I.

(1.) £26,303, to complete the sum for Royal Palace.

(2.) £95,105, to complete the sum for Royal Parks and Pleasure Gardens.

MR. RITCHIE stated, with reference to the charges which had been brought against the management of Victoria Park, that he had been in communication with his constituents on the subject, and he had every reason to believe that the charges were totally unfounded. He would be glad to hear if any further communication had been received on the subject from the inhabitants. In the name of his constituents he begged to thank the First Commissioner of Works for the great facilities he had afforded for recreation in Victoria Park, especially in the matter of the extension of the hours for bathing in the lake and the promotion of the game of cricket.

MR. ADAM inquired whether it was intended to abandon the Vote for lectures to gardeners sanctioned by the Treasury upon the recommendation of Dr. Hooker?

MR. C. B. DENISON asked what had become of the amount of £5,000 voted for a new road across the Green Park?

LORD HENRY LENNOX said, he had much pleasure in informing his hon. Friend the Member for the Tower Hamlets (Mr. Ritchie), that he had received a memorial expressing regret that an anonymous attack should have been made upon the superintendent of Vic-

toria Park, and pointing out that even if the charges could have been substantiated, they would not have been worthy of attention. He had also received numerous letters, all testifying to the fact that perfect satisfaction was felt by the respectable portion of the inhabitants of the East End of London with the present management of Victoria Park. In answer to his right hon. Friend (Mr. Adam), he had to state that the lectures to gardeners were not to be discontinued; and as to the Green Park, he must explain that on finding his plan of last year impracticable, he had surrendered the supplemental sum of £5,000 to the Treasury. It would, therefore, be necessary for him to ask for a Vote for the new scheme.

MR. ADAM said, that some of the mounds in Hyde Park had been removed, and expressed a hope that the rest would be taken away, and the ground laid down with grass.

MR. MELLOR hoped the noble Lord would let the mounds remain. He had been at some trouble to know where they were, and on having them pointed out, found they were of a decorative character, and as the expense of placing them in the Park had been incurred, he trusted the noble Lord would spend no money in removing them.

Vote agreed to.

(3.) £112,938, to complete the sum for Public Buildings.

MR. RAMSAY took occasion to object to the item of £3,400 for the maintenance and repair of the structure of the prison at Broadmoor, which, he said, was a comparatively new building.

MR. C. B. DENISON said, that upwards of £8,000 was asked for the Probate Court and Registries, and this required some explanation. There were serious complaints about the proposed removal of the documents from the local registries to London; and he wished to know whether it was intended to bring all these records to London?

MR. ASSHETON CROSS said, that a departmental Committee had been appointed to inquire into the whole question of the expenditure on Broadmoor, and that he had thought it right that certain works which it was proposed to carry on in connection with it should be put a stop to, until the result of that inquiry had been ascertained. Broad-

Lord Henry Lennox

moor was under the control of a peculiarly constituted Board, composed of gentlemen of the highest standing, who took a great interest in it, and who, he felt satisfied, did their utmost to maintain it in a state of efficiency at as cheap a rate as possible.

MR. RAMSAY said, it was far from his intention to impugn the conduct of those by whom the affairs of Broadmoor were administered; but he could not help thinking that the sum asked for the ordinary maintenance of the building was excessive.

MR. BERESFORD HOPE wished to ask his noble Friend, whether the scheme which had been entertained for a number of years for re-building the public offices, on a scale befitting their dignity, on the plot of ground lying between the present Foreign Office and Great George Street had been, as stated in the newspapers, abandoned; and, if so, for what reason?

MR. W. H. SMITH informed the hon. Member (Mr. Denison) that the sum asked for was to be spent upon district registries, and not for any building in London. The Vote had nothing to do with the removal of the records to London.

MR. C. B. DENISON asked for information as to the £1,500 required for the restoration of St. Peter's Chapel in the Tower of London.

LORD HENRY LENNOX observed, that the scheme for the concentration of the public offices involved an expenditure of £3,000,000, and it was not for him—not having a seat in the Cabinet—to state the reasons which had led to its abandonment. The hon. Member for Cambridge University (Mr. B. Hope) should rather address his question to his right hon. Friend sitting near him, who, he had no doubt, would be able to give a satisfactory answer. He could only assure him there was nothing in the scheme which commended itself less to his notice now than it did before, as one that would lead to the ornamentation of London and the convenience of the Public Offices. With reference to the question of the hon. Member for the West Riding (Mr. C. B. Denison), he would say that St. Peter's Chapel in the Tower had fallen into a very disgraceful state for want of repair. Under the chancel was buried Queen Ann Boleyn, and the chapel contained other monuments of great interest. Having opened

the Tower of London two days in the week free to the public—a movement which had been deeply appreciated—he thought it would be well that St. Peter's Chapel should be added to the other interesting monuments to which the public were now admitted.

MR. BERESFORD HOPE would avail himself of the hint given by his noble Friend and ask the Chancellor of the Exchequer, whether the scheme for the concentration of the Public Offices had been definitively abandoned or only postponed, and whether there was any chance of their being a large scheme for placing the Public Offices upon any other site?

THE CHANCELLOR OF THE EXCHEQUER could not say that the decision of this question proceeded upon grounds which would lead to the definitive abandonment of the scheme. These grounds had reference mainly to the circumstances of the present times, and to the fact that we had a very large and important amount of building on our hands. There were the Courts of Justice, the Natural History Museum, and other buildings which it was necessary to proceed with, while the work that would have had to be done in connection with the concentration of the Public Offices would have cost a very large sum of money even immediately, and would have involved considerable expense prospectively; and from circumstances he need not detail it was not convenient to undertake at the present moment that charge in addition to our national burdens. But he was fully convinced that it was desirable, in the interests of the public service, that they should, as they could, proceed with the concentration of the Public Offices. That object had been kept in view for a great number of years by successive Governments, and from time to time steps had been taken in that direction. One large block within a year or two had been completed, and was now occupied by the public Departments; and he hoped it would be in their power by-and-by to proceed with the work. By placing the Public Offices on the site referred to, they might hope to be able to save a good deal in the shape of rents for offices now scattered over different localities. But it would not have been wise in the circumstances of the present year to proceed with the scheme, although he could say the sub-

ject was one they had much at heart. He might add that one or two small portions of the site had been purchased.

Vote agreed to.

(4.) £13,440, to complete the sum for Furniture of Public Offices.

(5.) £25,569, to complete the sum for Houses of Parliament.

(6.) £4,360, to complete the sum for the new Home and Colonial Offices.

MR. ADAM observed, that those Offices still remained unfinished, and he wished to know whether the ornamentation originally designed would be carried out?

MR. C. B. DENISON asked, whether it was true that the drainage of these new Offices was in a highly unsatisfactory state? It had been publicly asserted that owing to some carelessness on the part of the builder or architect there had been no communication made between the drains in those buildings and the main sewer, and that our public officials had in consequence been subjected to an unwholesome atmosphere prejudicial to their health. He wished to know who was responsible for this state of things if it existed?

LORD HENRY LENNOX said, it was not the present, but the late Government, which was responsible for the corners of the offices referred to being deprived of cupolas. Since he had been in office Sir Gilbert Scott had suggested another way of treating the corners, but the suggestion was not one he approved. However, he laid the scheme before Her Majesty's Government, and it was now under consideration. The drainage of the Home and Colonial Offices had been found on one or two occasions to be in a very deficient state; and, of course, the person responsible was the man who designed and under whom the contractors built—namely, Sir Gilbert Scott. His (Lord Henry Lennox's) attention was called to the matter, and in an incredibly short time the evil was remedied, as far as possible, and since he received the expression of his right hon. Friend the Home Secretary's gratitude he had heard nothing more on the subject.

Vote agreed to.

(7.) £9,506, to complete the sum for Sheriff Court Houses, Scotland.

The Chancellor of the Exchequer

MR. RAMSAY said, he observed the greater part of the money asked for was in respect to the new Sheriff Court buildings, and that it had in point of fact, been expended. He thought the right hon. Gentleman the Home Secretary, having reference to the Sheriff Courts Bill, which was now before the House, should have advised the Chancellor of the Exchequer to withhold this Vote altogether for the present. There could be no doubt that the Scottish judicial system and the Scottish judicial staff as a whole must come under the consideration of the Home Secretary at an early period. They had about 80 sheriffs and sheriffs-depute in Scotland; but he really could not understand what justification there could be for a grant of public money to erect a new Court House at such a place as Fort William, where the whole sum under litigation during the year was not equal to the interest of the sum of money the public were going to pay. His own opinion was that they might reduce the number of Judges in Scotland in those Courts by one-half, and, with great advantage to the community, get the business done as it was done elsewhere, by the Sheriff going about from place to place. As he observed the Lord Advocate in his place, he did trust that the right hon. Gentleman would concur with him in these observations, and that he would advise the discontinuance of such Votes for such places and for such purposes. It was simply a waste of the public and the ratepayers' money, and of the energies of the officers that were employed in those Courts. He saw that certain sums of money had already been voted, or he would have asked for a discontinuance of these Votes altogether. Under the circumstances, he trusted that the right hon. Gentleman would take care that he did not lend his sanction to Votes of this character in future, or if he (Mr. Ramsay) had the honour of a seat in that House, he should certainly take the sense of the House against voting such sums of money.

Vote agreed to.

(8.) £2,084, to complete the sum for National Gallery Enlargement.

In reply to Mr. ADAM,

LORD HENRY LENNOX said, that the new National Gallery had been

finished and handed over to the Office of Works. He could not say when it would be opened to the public, as that depended on the Trustees, who were at present engaged in re-arranging the pictures.

Vote agreed to.

(9.) £143,718, to complete the sum for Post Office and Inland Revenue Buildings.

(10.) £11,573, to complete the sum for British Museum Buildings.

(11.) £46,050, to complete the sum for County Courts Buildings.

(12.) £4,043, to complete the sum for Science and Art Department Buildings.

(13.) £105,500, to complete the sum for the Surveys of the United Kingdom.

SIR WALTER BARTTELOT asked whether the survey had been going on satisfactorily, and whether the Government were using their best endeavours to advance it? In his own county a certain portion of the survey had been completed two years ago, and they had not any maps yet. He was told that a certain number of persons had been discharged, and that as little expense as possible was being incurred. This was a matter in which all were exceedingly interested, and the great object was that the survey should be carried on as rapidly and finished as soon as possible.

LORD HENRY LENNOX said, the survey was progressing very favourably, and every exertion was being made that the means placed at the disposal of the Government would allow. It was quite true that some men had been discharged, but that was owing to the natural wish expressed by the Treasury that they should not have Supplementary Votes this year. His hon. and gallant Friend would understand that he felt a delicacy in pushing on maps of a district with which he was connected, lest other parts of the country should charge him with partiality. The maps, however, were being pushed on, and he could assure his hon. and gallant Friend that there was no one who had more at heart the rapid progress of the survey than he had.

MR. DODSON said, he did not think the noble Lord had answered the question whether the Government were doing their best to advance the survey.

MR. W. H. SMITH said, he understood the answer of his noble Friend to be that the progress was satisfactory to himself and the Government. No doubt if a larger sum were placed at the disposal of the First Commissioner the advance would be greater and more rapid; but it was not thought right to spend more than £130,000 in the course of the year on the matter. It was hoped that the surveys would be completed within the next 13 or 14 years.

Vote agreed to.

(14.) £7,405, to complete the sum for Harbours, &c. under the Board of Trade.

(15.) £7,500, to complete the sum for the Metropolitan Fire Brigade.

(16.) £194,991, to complete the sum for Rates on Government Property.

(17.) £951, to complete the sum for the Wellington Monument.

MR. BERESFORD HOPE trusted that at last some satisfactory assurance would be given that a positive date had been fixed for the completion of this monument?

LORD HENRY LENNOX reminded the hon. Member that at the time he came into office this monument had been in hand for upwards of 23 years, during which period little or no progress had been made towards its completion, while great doubt had been entertained whether even when finished it would be successful. Since the death of Mr. Stevens the castings had gone on with great rapidity, and several portions of the monument had been exhibited in the sculpture gallery, and no dissentient voice had been raised against the extreme merit possessed by the work. The work was rapidly approaching completion, and he hoped the country would have an opportunity of judging before long whether the monument would be one worthy of the country and of the illustrious man in whose honour it was being erected. He understood that the work would be completed before the end of the present financial year.

Vote agreed to.

(18.) £65,000, to complete the sum for the Natural History Museum.

In reply to MR. ADAM and MR. BERESFORD HOPE, who trusted that Mr.

Ayrton's proposed mutilation of the building by razing the towers and cupolas would not be carried out.

LORD HENRY LENNOX stated that the Government had the contractor's assurance that the building would be completed by the 1st of November, 1877, and that it was under his consideration whether it was advisable to restore to the proposed elevation the ornamental features which the late Government had directed to be struck out.

Vote agreed to.

(19.) £4,644, to complete the sum for Metropolitan Police Courts.

In reply to Mr. ADAM,

MR. ASSHETON CROSS said, that the site in Castle Street fixed upon for the erection of the new Bow Street Police Court and station had been given up on account of its great inconvenience, and arrangements had been practically concluded with the Duke of Bedford for a site for both in Bow Street, and a Bill would shortly be introduced for carrying it into effect.

Vote agreed to.

(20.) £65,325, to complete the sum for New Courts of Justices and Offices.

SIR HENRY JAMES called attention to the fact that £933,000 had already been expended in purchasing the site of the New Courts of Justice, which at 4 per cent interest represented £37,000 a-year lying useless. £148,000 had been expended, and as £826,000 was to be expended, and they were progressing at the rate of £80,000 a-year, it would take 10 years before the whole sum was spent and the buildings completed. He wished to know whether it was true that the contractors were confined to the expenditure of only £80,000 a-year?

SIR WALTER BARTTELOT asked for an explanation of the item of rates and taxes which were paid in respect of the site of the New Courts of Justice.

MR. MELLOR called attention to the sum of 15 per cent being charged for architect's fees.

LORD HENRY LENNOX said, the Government were not satisfied with the progress which had been made in the building of the New Law Courts. Everything had been done that could be done to urge the contractors to a completion

of the work. Mr. Street, the architect, had been unceasing in his appeals to them in their own interest—for if they failed in their contract they would have to pay a very heavy penalty—to proceed more vigorously with the work. Mr. Street had reported to the Office of Works quite recently that the contractors had not been employing a sufficient number of men to carry on the work according to the terms of their contract. In the month of May they had expended only a sixth of the money that had been voted for the building. Only two years and a quarter remained to them to finish the eastern portion of the building, and only four years and a quarter to finish the whole building. The building ought to be completed in seven years from the time when the work was commenced. Unless the contractors exhibited much more vigour and employed more men than they did at present, he could hold out very little hope to the hon. and learned Gentleman that the building would be completed within the four and a-half years that had yet to run.

MR. MORGAN LLOYD said, it was currently rumoured that no provision was made for the Court of Appeal in the new building, and that Court would have to sit in the Chancellor's Court in Lincoln's Inn. He hoped that rumour was not correct. Such a course would be very inconvenient to the Court itself, to the Profession, and to the public. He hoped that some assurance would be given that provision would be made for the Court of Appeal in the building.

MR. RYLANDS said, it appeared from what had been stated by the noble Lord that there was little chance of the Courts being completed within the time contracted for. If not, he should like to know if the Government intended to press for the penalties for non-completion? He should also like to know how it was that £11,000 had been paid to the architect for commission?

MR. W. H. SMITH said, the Act of Parliament under which the site of the new buildings was acquired provided that certain rates and taxes which were chargeable in respect of the property that was cleared away from the site should continue to be paid, and they had been paid from the moment the Government acquired the site. No more had been paid to the architect for the preparation of ^{the} and drawings

Mr. Beresford Hope

than the agreement provided for. That agreement was made by the preceding Government, and it had been most strictly complied with. Mr. Street had not asked for and certainly had not received a single farthing more than he was entitled to. He might state, on behalf of the Treasury, that the greatest possible dissatisfaction had been expressed at the very slow progress which had been made with those buildings. Although £80,000 was taken in the present year's Estimates, the smallness of the sum was due to the hopelessness of their getting more of the work done than would be covered by that amount of expenditure. Remembering that the money voted in past years had been surrendered, he thought it would have been simply deceiving the Committee to have made a larger provision than there was a reasonable prospect of expending. But the Treasury had intimated to his noble Friend that if the contractors would advance faster with the work there would be no difficulty in providing the money required for its execution.

SIR HENRY JAMES said, that although no blame attached to the Government, the result was most unsatisfactory and very injurious to the country. Everything that was possible ought to be done to compel the contractors to complete the buildings. The penalties to which they were liable ought to be enforced against them; and, if necessary, the work should be taken from them and put into other hands.

LORD HENRY LENNOX, in answer to the hon. and learned Member for Beaumaris (Mr. Morgan Lloyd), observed that Mr. Street's original designs included no *salon* or hall for the Court of Appeal, because, at the time when the drawings were made and accepted by the Government of the day, the new Court of Appeal was not in existence. His attention had been called to the matter last year; and, no doubt, when the work had progressed a little further, the Lord Chancellor would communicate with him, and proper provision would be made for the Court of Appeal if it was necessary or expedient to place it there. At the same time, Lincoln's Inn, the present site of the Court of Appeal, was, he believed, in every way satisfactory to those who practised in that tribunal.

MR. MORGAN LLOYD regretted very much that he had failed to get a satisfactory reply to his question. He could not believe that if, owing to any course whatever, provision had not been made for the Court of Appeal, it was too late to make it now; and he thought also that the Government should take steps to press on the construction of the buildings.

MR. W. H. SMITH remarked that the designs for the New Courts of Justice were settled before the new Court of Appeal was dreamt of, and to attempt now to interpolate the Court of Appeal into a contract which was not being carried out in a satisfactory manner would be to afford the contractors a very good excuse for not completing the work in time, and also take from the Government the power of enforcing against the contractors the penalties to which the latter were liable, penalties which it was their intention to enforce as far as possible.

Vote agreed to.

(21.) £1,951, to complete the sum for Ramsgate Harbour.

(22.) £2,100, to complete the sum for New Palace at Westminster, Acquisition of Lands and Embankment.

MR. C. B. DENISON asked his noble Friend for information as to the probable time when these works would be completed, and what was to be done with the land after the completion of the Embankment?

LORD HENRY LENNOX said, that the Embankment had been completed, and the present Vote was merely required for railings and for laying out the ground. It was not intended to place anything on the Embankment until a general plan had been arranged with regard to the concentration of Government buildings.

Vote agreed to.

(23.) £12,960, to complete the sum for Lighthouses Abroad.

(24.) Motion made, and Question proposed,

"That a sum, not exceeding £37,330, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1877, for the British

Embassy Houses, Consular and Legation Buildings, &c. in China and Japan, Constantinople, Therapia, Madrid, Paris, Teheran, Vienna, and Washington."

SIR H. DRUMMOND WOLFF complained that proper houses had not been provided at Berlin and Rome; and also that some of these Embassy houses were managed by the Chief Commissioner of Works and some by the Foreign Office.

LORD HENRY LENNOX said, that the present arrangement had been determined by the Treasury in order that the whole of the Votes might appear under one head; and added that suitable houses at Berlin and Rome had been applied for, and that the subject was under the consideration of the Government.

SIR H. DRUMMOND WOLFF said, that the Estimates under this head were in a most unsatisfactory state, and that there was a great deal of looseness in the drawing up of the Foreign Office part of them; he therefore moved that the Chairman do report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Sir H. Drummond Wolff.)*

MR. W. H. SMITH stated the Estimates were now under one head instead of two as formerly, and that the whole subject would be fully considered by the Government.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Resolutions to be reported *To-morrow*; Committee to sit again *To-morrow*.

POOR LAW AMENDMENT BILL.

[BILL 78.]

(Mr. Sclater-Booth, Mr. Salt.)

COMMITTEE. [*Progress 7th April.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 12 (Paupers not to vote election of guardians.)

MR. SCLATER-BOOTH (for Mr. NEVILLE-GRENVILLE) moved, in page 4, line 5, to add—

"and that a list of the names of persons objected to who have received relief during the past year, sealed with the common seal of the

board of guardians, shall be sufficient evidence of their having received relief."

Amendment agreed to.

SIR HENRY JAMES asked if this was not the measure which the Prime Minister stated would be taken on Tuesday next?

MR. SCLATER-BOOTH said, it always was his intention to take the Bill that night in preference to any other he had on the Paper, and if his right hon. Friend said that the Bill would be taken next Tuesday, no doubt he thought it would not be reached in time before then.

Clause, as amended, *agreed to*.

Committee report Progress; to sit again upon *Tuesday* next, at Two of the clock.

PREVENTION OF CRIMES ACT AMENDMENT BILL—[BILL 153.]

(Sir Henry Selwin-Ibbetson, Mr. Secretary Cross.)

SECOND READING.

Order read, for resuming Adjourned Debate on Question [25th May], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed*.

SIR HENRY SELWIN-IBBETSON said, the object of the Bill was to simplify the registration of criminals, and thus make the system more effectual for the prevention of crime. At present there were 169,521 names on the register, and the number was increasing at the rate of 28,000 a-year. A large number of names were registered for trifling offences and for juvenile offences; and numbers entered made the registry of comparatively little value for purposes of reference. The Bill would empower the Secretary of State to limit the number of crimes for which registration would be necessary, and make the system more handy and practical than the cumbrous system which now existed.

Question put, and *agreed to*.

Bill read a second time, and *committed* for *Thursday* next.

FRIENDLY SOCIETIES ACT

(1875) AMENDMENT BILL.—[BILL 177.]

(Mr. Chancellor of the Exchequer, Mr. William Henry Smith.)

SECOND READING.

Order for Second Reading read.

THE CHANCELLOR OF THE EXCHEQUER, in moving that the Bill be now read a second time, explained that under the Act of last Session provision was made for the registering of branches affiliated to Friendly Societies as branches, instead of, as heretofore, as separate societies; and that it entailed considerable expense in advertising upon societies which, having registered as separate societies, desired to be registered as branches. The object of the Bill was to do away with the necessity of advertising, providing that the societies certified to the Registrar that both the branch and the society were willing to agree to the proceedings, and the measure had the concurrence of all the great Friendly Societies. Any questions of detail could be considered in Committee.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Chancellor of the Exchequer.)

Motion agreed to.

Bill read a second time, and committed for Thursday next.

BANKERS' BOOKS EVIDENCE BILL.

Sir John Lubbock, Mr. Backhouse, Mr. Sampson Lloyd, Mr. Watkin Williams.

[BILL 171.] SECOND READING.

Order for Second Reading read.

SIR JOHN LUBBOCK, in moving that the Bill be now read a second time, said, that its object was to permit certified copies or extracts from bankers' books to be produced as evidence instead of the books themselves.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Sir John Lubbock.)

MR. SAMPSON LLOYD supported the Bill, and observed that he had known cases in which great inconvenience had been caused by bankers' ledgers being detained in Court for several days.

THE CHANCELLOR OF THE EXCHEQUER said, that the Government did not object to the Motion, but the Bill would be submitted to the scrutiny of the Attorney General before it went into Committee.

Motion agreed to.

Bill read a second time, and committed for Thursday next.

HOUSE OCCUPIERS DISQUALIFICATION REMOVAL BILL.—[BILL 29.]

(Sir H. Drummond Wolff, Sir Charles Russell, Mr. Onslow, Mr. Ryder.)

SECOND READING.

Order read, for resuming Adjourned Debate on Question [[22nd March], "That the Bill be now read a second time."—(Sir H. Drummond Wolff.)

Question again proposed.

Debate resumed.

MR. HAYTER objected to the Bill being proceeded with in the absence of some hon. Members who were interested in it. He should support the Bill if the whole subject of the registration were dealt with; but he objected to any alterations being made in favour of a particular class. He moved that the debate be adjourned.

Motion made, and Question proposed, "That the Debate be now adjourned." (Mr. Hayter.)

SIR H. DRUMMOND WOLFF hoped the Bill would be read a second time, and he pledged himself to give reasonable opportunity for introducing Amendments in Committee.

THE CHANCELLOR OF THE EXCHEQUER said, he understood that the question raised by the Bill was not one as between one side of the House and the other, and expressed an opinion that his hon. Friend was not making an unreasonable request in asking the House to proceed with this Bill before the hour of half-past 12 had arrived.

MR. RYLANDS thought at that late hour it was unreasonable to ask the House to proceed with the debate.

Question put.

The House divided:—Ayes 13; Noes 57: Majority 44.

Original Question put, and *agreed to*.

Bill read a second time, and *committed for Monday next*.

POLLUTION OF RIVERS BILL.

LEAVE. FIRST READING.

MR. SCLATER-BOOTH, in moving for leave to bring in a Bill to make further provision for the better prevention of the Pollution of Rivers, said, that he would not at so late an hour detain the House by a lengthened statement. He wished, however, to remind the House that the subject was entirely removed from anything like a Party character. A Royal Commission on the Pollution of Rivers had been sitting for many years, and last year the final volume of their Report was published. The time had therefore arrived when something ought to be done. Three or four Bills had been presented to Parliament, and, although they had from various causes failed to pass into law, there had never been any dispute as to the necessity for legislation on this subject. The obstacles were, however, very great, and the alarm of the manufacturers had been so difficult to deal with that successive Bills had been brought in and withdrawn. Last year there was a reasonable opportunity of passing the Bill brought into the other House by the Marquess of Salisbury, if it had not been for the late period of the Session at which the measure came down to that House and the necessity of proceeding with other measures. A Bill for preventing the pollution of rivers, however, formed no part of the Government programme of the Session, and advisedly so. But several hon. Members had within the last few months urged him to bring forward a measure on the subject, and he had reason to believe that a Bill somewhat of the character of that which had passed the House of Lords last year would be generally acceptable. The present Bill, he might add, proposed to enact generally that rivers were to be kept free from pollution, and that their pollution in various ways was to be a statutable offence. In the first place, it was intended to prohibit the casting of noxious refuse, whether manufacturing or mining, into rivers so as to pollute the stream or to impede navigation. The second part of

the Bill related to the mode of dealing with the sewage of towns, and it was proposed that the pollution of rivers by that means should also be made a statutable offence, but that ample time should be given within which proceedings should be instituted, as well as ample time to the authorities within which to construct necessary works. There was nothing in that portion of the Bill more stringent than had for many years been the law with reference to the streams which flowed into the Thames and the Lea, in both of which cases the arbitrary power of preventing the throwing of noxious sewage into those streams had been prohibited. The manufacturing and mineral pollution of rivers stood in a very different position; but it was not deemed expedient in such a Bill as the present to make any exceptions from the general obligations of the law, but it was proposed in the case of manufacturing and mineral pollution not only that ample time should be given, but that industrial interests should be duly considered, and that no prosecution should be instituted except by the public sanitary authority with the sanction of the Local Government Board. Up to that point the Bill stood very much in the position of that which had passed through the House of Lords last year, but there were two or three important additional provisions. It was proposed to constitute a Conservancy Board which would take in hand the function of carrying out the necessary works, and that the sanitary authorities might be permitted to pass bye-laws and regulations and give facilities for the use of their sewers. The prosecutions under the Bill were, he might add, to be carried on before the County Court Judges, as under the Bill of last year. Other points of importance would remain which might be dealt with in future measures; but he hoped the present Bill, as an initiative measure, would in future secure our rivers from pollution. The right hon. Gentleman concluded by moving for leave to bring in the Bill.

LORD ROBERT MONTAGU supported the Motion. There was a general consensus of opinion in favour of Watershed Boards.

MR. M'LAGAN said, the people of Scotland would experience a great disappointment if the Bill did not pass, and he urged hon. Members on both sides of

the House to do their best to help the President of the Local Government Board on with his scheme. He did not believe there would be much difficulty experienced in preventing the pollution of rivers by sewage, as there were now so many plans for the utilization of liquid manure. He felt convinced that the measure would prove of the utmost utility and benefit to the country.

Motion agreed to.

Bill to make further provision for the better prevention of the Pollution of Rivers, *ordered to be brought in* by Mr. SCLATER-BOOTH and Mr. SALT.

Bill presented, and read the first time. [Bill 186.]

DIOCESE OF EXETER BILL.

LEAVE. FIRST READING.

MR. ASSHETON CROSS, in moving for leave to bring in a Bill to provide for the foundation of a new Bishopric out of a part of the Diocese of Exeter, said, that the first reason for the creation of the See of Cornwall was that the diocese of Exeter was a very large one, not only in numbers and population, but in size. The second reason why he asked the House to consent to this Bill was the special one that the funds were practically forthcoming for the purpose. An offer had been made to the Government of the sum of £1,200 a-year from a single individual for the formation of the See; but attached to that condition was one condition that the See should be formed in the lifetime of the donor. That gift had been most generously met by the Bishop of the diocese. The See of Exeter was entitled to an income of £5,000, and it was proposed to transfer it from that which was the highest to the lowest of the ordinary Sees—namely, £4,200; but the Bishop of the diocese, with that generosity and zeal which characterized him in every action of his life, insisted that this reduction of his income should take effect from the moment the new See was founded. To meet the sum of £2,000 a-year a very large sum was collected among the people of the new diocese. He proposed to follow precisely the plan of last Session for the formation of the See of St. Albans—namely, to enable Her Majesty, whenever she received a certificate from the Ecclesiastical Commissioners that the funds were in hand, to form the new See out of the

Archdeaconry of Cornwall. The right hon. Gentleman concluded by moving for leave to bring in the Bill.

MR. BERESFORD HOPE hoped that in the course of time a more extended Bill for the increase of the Episcopate would be devised.

MR. HAYTER expressed his thanks to the Government for having brought in the Bill, which he believed would meet a pressing want.

Motion agreed to.

Bill to provide for the foundation of a new Bishopric out of a part of the Diocese of Exeter, *ordered to be brought in* by Mr. Secretary CROSS and Sir HENRY SELWIN-IBBETSON.

Bill presented, and read the first time. [Bill 185.]

ERNE LOUGH AND RIVER BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill for the improvement of the Navigation of the Lough and River Erne, *ordered to be brought in* by Mr. WILLIAM HENRY SMITH and Sir MICHAEL HICKS-BEACH.

Bill presented, and read the first time. [Bill 187.]

House adjourned at a quarter after
One o'clock.

HOUSE OF COMMONS,

Friday, 9th June, 1876.

MINUTES.]—SUPPLY—considered in Committee
ARMY ESTIMATES—CIVIL SERVICE ESTIMATES
—CLASSES V., VI., VII.—REVENUE DEPART-
MENTS.

PUBLIC BILLS — Resolution in Committee —
Ordered — First Reading — Customs Duties
Consolidation * [188].

Second Reading—Election of Aldermen (Cumulative Vote) [46], *debate adjourned.*

Committee—Report—Wild Fowl Preservation * [42].

Considered as amended—Burghs (Scotland) Gas Supply * [175].

Third Reading—Public Health (Scotland) Provisional Order (Wemyss) * [165].

NAVY — H.M.S. "CALEDONIA" — THE
"LION" TRAINING SHIP.

QUESTION.

MR. D. JENKINS asked the First Lord of the Admiralty, Whether it is, as reported, true that an attempt which nearly proved successful has been lately made by some of the boys from the

training ship "Lion" to sink Her Majesty's Ironclad "Caledonia," lying off Devonport, on board which ship they were temporarily berthed; if so, if he would explain to the House under what circumstances the act was committed; if not, what caused the ship to be in a sinking condition; if the boys have been in a state of insubordination on board the ship; and whether, seeing that more than one training-ship has been recently wilfully destroyed, it is not possible to find accommodation for them in hulks without risking the destruction of iron-clad ships which form part of the effective naval forces of the country?

MR. HUNT: Sir, I am happy to be able to inform the hon. Gentleman, in answer to the first part of his Question, that no attempt was made by any boys from the training ship *Lion* to sink the *Caledonia*, and no insubordination has been manifested by these boys. A certain amount of water came into the ship through an act of inadvertence on the part of an able seaman who had charge of the tank-room, and who turned the wrong lever. The water was soon pumped out, the ship was never in a sinking condition, and no damage was done. With respect to the second part, the *Caledonia* is placed upon the list of harbour ships, and does not form part of the naval forces of the country available for service.

ARMY — THE ROYAL ARTILLERY — NON-COMMISSIONED OFFICERS.

QUESTION.

CAPTAIN NOLAN asked the Secretary of State for War, If the lately granted increase of pay to acting non-commissioned officers in the Royal Artillery has been suddenly stopped without any explanation; and, also if the recruitment of gunners for that regiment is in a satisfactory condition?

MR. GATHORNE HARDY, in reply, said, the lately granted increase of pay referred to had not been stopped, but it had been suspended in order that the number of those entitled to it might be apportioned to each battery. The recruiting had been in a very unsatisfactory condition with respect to gunners in the Royal Artillery. They were now nearly 1,500 deficient, and he had taken steps to obtain, if possible, recruits from the Militia. He was happy to say

Mr. D. Jenkins

that at present the recruiting was in a better condition than it was before.

THE ESCAPE OF FENIAN CONVICTS. QUESTION.

DR. C. CAMERON asked the Under Secretary for the Colonies, Whether it is true, as stated in the "Times" of Tuesday last, that all, or all but one, of the Fenian prisoners undergoing sentence in Western Australia made good their escape from that colony on Easter Monday in an American whaler?

MR. J. LOWTHER: The report, Sir, to which the hon. Gentleman refers is substantially correct. I may state for the information of the House that there were in all 10 military convicts in Western Australia. Of these, two were out on ticket of leave, leaving eight in prison; and of those six have effected their escape. I do not know whether the hon. Gentleman wishes to know the names of the persons who have escaped. ["Yes, yes!"] They are Robert Cranston, Thomas Darragh, James Wilson, Michael Harrington, Thomas Hassett, and Martin Hogan.

EGYPT—THE SUEZ CANAL—THE RE- PRESENTATION AND MANAGEMENT. QUESTION.

MR. DODSON asked Mr. Chancellor of the Exchequer, Whether the meeting of the Suez Canal Company which he stated in April would be held in the course of May, has been held; and, whether the arrangements referred to by him on the 5th day of May as proposed by Colonel Stokes and M. Lesseps, or any other arrangements for the representation of this Country in the administration of the Company have been decided upon; and, if so, whether he will state to the House the nature of those arrangements?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he had understood that the Suez Canal Company would hold a meeting in May, but a meeting had not yet been held. It appeared, however, that a meeting had been called for the 14th of June, and that subsequently M. Lesseps had given notice for a special meeting on the 27th of June, for the purpose of considering proposals that had to be made. He

(the Chancellor of the Exchequer) proposed, on Monday next, to ask for leave to bring in a Bill to make provisions with respect to the shares in the capital of the Suez Canal Company, and he hoped to be in a condition to say then, or at least before that Bill was read a second time, what would be the arrangements for the representation of this country in the administration of the Company.

MR. GLADSTONE asked, Whether the Government were in a position to state what arrangements were to be made with regard to the proposed surtax?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he hoped they would be able to lay upon the Table the correspondence on the subject both of the surtax and of representation.

TURKEY—THE EASTERN QUESTION—
MINISTERIAL STATEMENT—THE
BERLIN NOTE—QUESTION.

OBSERVATIONS.

THE MARQUESS OF HARTINGTON: I wish, Sir, to put a Question to the right hon. Gentleman the First Lord of the Treasury in reference to the recent negotiations in Turkish Affairs, of which I have given the right hon. Gentleman private Notice; and perhaps the House would allow me in explanation of the Question to say a very few words. It will, no doubt, be in the recollection of the House that before the Whitsun holidays it was stated in this and in the other House of Parliament that the Note known as the Berlin Memorandum had not been presented to the Turkish Government, and that there was reason to suppose it would not be presented. I understand that up to the present time that Note has not been presented, and it may perhaps not be unreasonable now to presume that there exists no intention on the part of the three Powers to present it. I believe that in "another place" the Earl of Derby stated that the proposals of those Powers not having been formally communicated to the Porte the document in question could not be considered as a public document, and that he would therefore be unable to lay it upon the Table of the House. Now, I should like to ask the right hon. Gentleman whether, now that this chapter in the negotiations is apparently con-

cluded, that is still the opinion of Her Majesty's Government; or whether they are of opinion that the time has now arrived when it would be in their power, and might not be inopportune, to lay upon the Table some Papers and afford the House some opportunity of forming an opinion as to the course which has hitherto been pursued by the Government with regard to these negotiations. I do not forget that on a former occasion the right hon. Gentleman stated that the position of affairs was critical, and I am sure that I have no desire to press the Government for any explanations which might cause them any embarrassment in the present condition of affairs; but, at the same time, it seems to me that Her Majesty's Government might be willing, and possibly anxious, to afford to the House some opportunity of becoming aware of the course which they have hitherto pursued, and of giving them some explanation as to their policy and as to the state of our relations upon this subject with the other Powers of Europe. I do not believe there exists in the country any distrust of the proceedings of Her Majesty's Government; but, at the same time, I think we must feel that, at a moment when it has been considered necessary by Her Majesty's Government to make a considerable demonstration of the naval power of this country in support of the policy of the Government, we are in a state of somewhat unusual uncertainty, not only as to the details, but also as to the main scope and aim of the policy which is being pursued by Her Majesty's Government. With these few words of explanation, therefore, I wish to put the Question to Her Majesty's Government, Whether it is their intention to lay upon the Table of the House any Papers in relation to the recent negotiations on Turkish affairs?

MR. DISRAELI: Mr. Speaker, I think it is quite natural that the noble Lord should have made this inquiry of Her Majesty's Government, and that it is one which is perfectly consistent with his duty as Leader of the Opposition. I can assure him that as far as Her Majesty's Government are concerned, they have no wish to exercise any unnecessary reserve towards the House, nor are there any documents which they have sanctioned that they would object to place upon the Table of the House. But there

are interests superior even to the natural and justifiable curiosity of Parliament, and even to the feelings of a Ministry; and when those interests take the form of the maintenance of peace—the maintenance of honourable peace—I am sure the House will not unnecessarily press the Government on the matter. At the same time, I am perfectly ready to give such information as I can to the noble Lord. It is very true that when I last addressed the House in reference to the Berlin Memorandum, I informed the House that that Memorandum had not been presented to the Porte, and I expressed a hope that it might not be presented. I believe I am quite authorized in now saying that the Berlin Memorandum has been withdrawn. It has been notified to us that its consideration is adjourned *sine die*. No doubt the remarkable events which have occurred at Constantinople would in a great measure account for that withdrawal, because already the Porte—although that Note has not been presented—has made suggestions which have anticipated more than one important point expressed in the Memorandum. And I think that when I refer to the fact that the Porte itself has spontaneously offered an armistice, that alone might be a sufficient reason for a considerable pause in the presentation of that document, even if that which I look upon as a more satisfactory result than the postponement of its presentation had not occurred. At the same time, I wish to remark that although we felt it to be our duty not to give our sanction to that diplomatic instrument, that notification on the part of Her Majesty's Government was received in no unfriendly spirit by any of the Powers that we had to address. Quite the contrary. Great regret was expressed as to the course which we felt it our duty to take, and a lively desire was also expressed that we should reconsider our decision on a step which they believed to be important to the interests of Europe. At this moment I think I am justified in saying that there is more than one point on which Her Majesty's Government are acting with the other Great Powers, and acting, I hope, successfully. We have concurred entirely with the other Powers, or rather the other Powers may be said to have concurred entirely with us; but, at any rate, there is a complete understanding

between us and the other Great Powers that there should no undue pressure put upon the new Sovereign of Turkey; that he and his counsellors should have time to mature their measures and the policy which they mean to pursue. Then, again—which I look upon as not of less importance—we have added our representations to those certainly of Austria and Russia, and I believe also of France, and I have little doubt that at this moment the representations of all the Great Powers are made to impress Serbia with the importance of a temperate conduct on her part. I hope we have impressed those counsels of moderation on Serbia not unsuccessfully. There is a third point on which all the Great Powers have agreed to act, if not simultaneously, yet unanimously—namely, as to the recognition of the new Sultan. In our opinion, it was a matter of great importance that that recognition should be accorded without waiting for those delays which, under the circumstances, the usual diplomatic etiquette must have produced, because on that immediate recognition the Ambassador of the Queen can exercise his privilege of personal audience and conference with the Sultan. I believe the credentials of Sir Henry Elliot have been received from Her Majesty, and will be despatched to him this evening. I may also mention, with regard to the recognition of the Sultan, that that recognition has not been confined merely to the Great Powers of Europe, but I may say there certainly has been a general feeling of adhesion from all sections, creeds, and races among the subjects of the Porte. I think it is very important that the heads of all the Christian communities have personally congratulated, or have requested permission personally to congratulate, the Sultan on his accession to the Throne, and to express their confidence in the policy which he will pursue. I do not, of course, wish to exaggerate the importance of such an incident, but I think it may have a beneficial influence over the insurgents, and will certainly not diminish but rather increase the effect of the counsels which I hope all the Great Powers of Europe are giving the insurgents to avail themselves of the opportunity which now seems to be offered of insuring the pacification of Europe. There is one other point on which I wish to remark. It is not my habit, and I hope

it never will be, to trouble the House with anything which is personal to myself; but, as in the present case that personal reference is mixed up with high considerations of policy, therefore I trust the House will pardon it. I understand that there appeared in the journals of Vienna yesterday a letter bearing my signature, which commented freely upon the present political situation of Europe, dilated on the intentions and the policy of England, and spoke with unpardonable disrespect of a Great Power which is an ally of our Sovereign. I therefore only wish to take this the earliest and most public opportunity—inasmuch as that letter has been reproduced in some English journals—of announcing that the letter is a forgery.

THE MARQUESS OF HARTINGTON: The right hon. Gentleman not having definitely stated it, I wish to ask, whether the Government anticipate that they will be able to lay on the Table the Papers relating to the recent negotiations?

MR. DISRAELI: I was remiss, perhaps, upon the point, as I wished it to be inferred from my observations that I should imagine that eventually there would be no objection to lay on the Table, with hardly any omission, all the Papers relating to these transactions. But I think at this moment that, the Papers to which the noble Lord refers being necessarily of a controversial character, and it being our desire to maintain as much as possible a complete good understanding with the Powers which are virtually acting in concert, the appearance of those Papers should at least be delayed.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

NAVY—CASE OF MR. CHARLES FREDERIC HENWOOD.

MOTION FOR A SELECT COMMITTEE.

COLONEL BERESFORD, in rising to move for a Select Committee to inquire into the Petition of Charles Frederic Henwood, naval architect, of 110, Cannon Street, in the City of London, said, he thought the evidence he should adduce would reveal a state of things

which demanded inquiry. In his Petition the petitioner stated that he

"Is by profession a naval architect and practical shipbuilder, and was trained under his father, an eminent naval architect and master shipbuilder in Her Majesty's Service; and has been concerned in the construction of upwards of 70,000 tons of shipping, comprising wooden and iron armour-clad ships of war for the Admiralty and for foreign Governments; and has held the responsible position of chief constructor and manager of an extensive shipbuilding establishment; and all the vessels designed and built under your petitioner fulfilled their estimated results, whereby his reputation as a naval architect and practical shipbuilder was established, and he was well known and acknowledged by the profession and the public Press as an eminent constructor and shipbuilder. That in the years of 1866 and 1867 your petitioner invented plans whereby the obsolete but sound and strong line-of-battle ships might efficiently, promptly, and economically be converted into armour-plated, sea-going turret ships, to supply an urgent and temporary demand for increasing the number and power of the iron-clad Navy; and thereby also effect a saving of several millions sterling in the naval expenditure of the country, which plans received the approval of eminent naval officers and of Mr. Isaac Watts, C.B., formerly Chief Constructor of Her Majesty's Navy, the designer of the *Warrior*, *Lechilles*, and *Agincourt*, and of most of the line-of-battle ships proposed for conversion. That your petitioner's plans were rejected by the Board of Admiralty as being unsuitable for Her Majesty's Service; but your petitioner was not informed, and did not at that time know, of any other alleged reason or cause for such rejection. That your petitioner has now in his possession official copies of the Admiralty Minutes and the Reports of the then professional officers of the Admiralty, made concerning your petitioner's plans furnished to him by the Solicitor of the Admiralty."

He (Colonel Beresford) was prepared to show that the designs of the petitioner were rejected because the hon. Member for Pembroke (Mr. E. J. Reed) then Chief Constructor of the Navy, together with Mr. Barnaby, the present Chief Constructor, had evidently determined that no designs except their own should be acted upon, and there was no doubt Mr. Henwood's professional prospects had seriously suffered in consequence.

MR. E. J. REED rose to Order. He hoped the hon. and gallant Member would speak up, as he could not be heard on that (the Opposition) side of the House. As far as he could understand, the hon. and gallant Member was making serious aspersions on his (Mr. Reed's) character.

COLONEL BERESFORD said, he was speaking as loud as he could. Had his views been honestly carried out, Mr.

Henwood believed the necessary improvement in the state of things would have been effected at an expenditure of one-third less than was actually incurred. The petitioner went on to say that—

“From such Reports and other official documents your petitioner finds that the designs for ships represented to the Board of Admiralty as those of your petitioner were not the designs or plans proposed by your petitioner, but were in fact altered and thereby made absurd and ridiculous, and such as no experienced constructor (in his senses) would have put forward. And your petitioner agrees with the officially expressed opinion given in these Reports that such ships erroneously alleged to be those prepared by your petitioner, would, if adopted, ‘have led to wholesale loss and disaster’ in Her Majesty’s Navy, as subsequently happened by the capsizing of the ill-fated *Captain*. That your petitioner finds that greater quantities and heavier weights were wrongly substituted for his own; in fact, greater quantities and heavier weights than were adopted in and for similar sized ships for Her Majesty’s Service, in consequence of which overloading by increased and unnecessary weights the freeboard of the ships, as proposed by your petitioner, was greatly reduced, and the stability dangerously diminished, as similarly took place in the construction of the *Captain*. That the freeboard of the design submitted by your petitioner in 1866, embodying a patent invention, No. 472, 1866, of the well-known eminent engineer, Mr. Robert Napier, of Glasgow, was 11 feet in height above the water, which design was for one of the medium-sized line-of-battle ships, but in the following year (1867) your petitioner sent in a design for one of the larger ships, the *Duncan*, and in this design, finding that the necessary stability could be obtained with a freeboard of 4ft. 5½in., he dispensed with the patent plan of Mr. Napier. That the stability of the *Duncan*, as designed and proposed by your petitioner was at the least 11,232 ‘foot tons’ (meaning moment of stability), with a freeboard of 4ft. 5½in. That the design represented to the Admiralty as that proposed by your petitioner for the *Duncan* had a freeboard of 3ft. 6in., with a stability of only 7,222 ‘foot tons,’ such being practically as dangerous a ship as the *Captain*. That the stability of the *Captain*, as completed and sent to sea with a freeboard of 6ft. 4½in., was not more than 7,100 ‘foot tons,’ although had that ship been built as designed she would not have capsized, inasmuch as she would have been possessed of 60 per cent greater stability than as actually constructed. That it has been publicly urged as against your petitioner’s plans that if the *Captain*, with 6ft. 4½in. of freeboard, was a dangerous ship, the *Duncan*, with only 4ft. 5½in. of freeboard, was a much more dangerous ship, the other facts being suppressed—viz., that the *Duncan* had 9ft. greater breadth of beam than the *Captain*, and that the stability of the *Duncan*, as designed and proposed by your petitioner, was just 60 per cent greater than that of the *Captain* as constructed and sent to sea. That your petitioner further finds in these Reports groundless allegations, from what cause he

knows not, against his professional ability and character—viz., ‘that it was impossible to attach any confidence to the judgments or calculations of your petitioner,’ and further, ‘that it would be madness to undertake the conversion in accordance with Henwood’s plans,’ meaning the plans with 3ft. 6in. of freeboard, and 7,222 ‘foot tons’ stability; and that ‘these plans’ ‘had no weight whatever from the known antecedents of their author,’ thus insinuating that your petitioner’s antecedents were so bad as to render any plans of his worthless.”

[The hon. and gallant Member here read the opinion of Mr. Isaac Watts, formerly Chief Constructor of the Navy, as to the competency of the petitioner as a naval architect. Mr. Isaac Watts’ testimony was of a most complimentary character. He also read a number of documents, including certain recommendations sent to the Institute of Naval Architects, of which the hon. Member for Pembroke was the then Secretary, to prove that Mr. Henwood was a gentleman of high reputation and eminence as a ship-builder.] The hon. and gallant Member then continued:—Since he (Colonel Beresford) had taken up the case, all persons connected with the shipping interest with whom he had conversed said with one voice that Mr. Henwood was a man of integrity and honour; but the result of this misrepresentation was that the Board of Admiralty, to whom Mr. Henwood was favourably known, was misled, and induced to believe that his plans were “so faulty and ill-considered” that no satisfactory conversion of ships could be made on the plans he had suggested. The petitioner then stated—

“That in consequence of the adoption of figures and calculations alleged to have been submitted by your petitioner, but which were never submitted by your petitioner, which he is in a position to prove by official documents, the reputation of your petitioner as a naval architect was, and still is, seriously injured in the eyes of foreign Governments, shipowners, and others, who previously to the Reports upon your petitioner’s plans had the greatest confidence in his ability, whereby your petitioner has suffered most seriously; and further, that in consequence of the said Reports comparisons have been made officially and otherwise with your petitioner’s designs and that of the *Captain*, with which your petitioner had had nothing whatever to do; and, finally, that your petitioner still continues in the belief, confirmed by the disaster which happened to the *Captain*, that your petitioner’s designs were sound, and that had his figures been used conclusions so ridiculous and unfeasible could not have been arrived at.”

The petitioner then asked the Admiralty for an inquiry, and quoted the case of Mr. G. H. Bovill, in 1853. That case

Colonel Beresford

was, briefly, that Mr. Bovill, having constructed some improved machinery, the officials connected with the Department for which it was intended, so damaged that machinery by putting stones and rubbish into it, that it was rejected. Mr. Bovill was fortunate in having in the House a brother who was a lawyer of great eminence, and who afterwards became a Judge, and, on his Motion, a Committee was granted, and the result was that the master miller was discharged, and two subordinates were reprimanded. The reference to that case was, perhaps, fortunate; at any rate, in this one all inquiry was refused. He would impress upon the House that in the Petition, and in discussing the case, it was necessary to remember that the indictment was not so much against Sir Spencer Robinson, as he was a non-professional man, and obliged to accept the Reports made to him. The petitioner wound up by stating—

“That your Petitioner, by reason of the matters herein alleged, all of which he is prepared to prove by official documentary evidence, has suffered, and still suffers, great prejudice and injury in his reputation and profession, and consequent loss of practice.

“That your Petitioner’s sole means of livelihood is his professional character and reputation, which in the manner aforesaid have been wrongfully assailed, prejudiced and injured.

“And your Petitioner prays that your honourable House will be graciously pleased to cause a full and impartial investigation to be made into the matters hereinbefore alleged, in order that your Petitioner may have an opportunity of establishing the truth of the same, and that justice may be done, and your Petitioner relieved from the prejudice which has been created against him by the reason of the aforesaid circumstances.”

The hon. and gallant Gentleman concluded by moving for a Select Committee.

SIR EDWARD WATKIN, in seconding the Motion, confessed he knew nothing of Mr. Henwood or of his case. He felt, however, that the right of Petition to that House was one which ought not to be tampered with, and that when a question arose between a powerless individual and a powerful Government or Party, it was the duty of independent Members, however unpopular the course might be, to vindicate that right. In this case, here was a Petition presented in the exercise of that right, making a distinct charge of wrong against certain officials connected with

the Admiralty, and claiming a distinct inquiry. The House, he might add, had received the Petition and ordered it to be printed. The charge was, that those officials had purposely misrepresented certain calculations and plans at a critical period of our naval history. If true, it was a grave charge indeed; if untrue, in his opinion, Mr. Henwood not only deserved severe censure, but ought to be punished for making accusations of so false and scandalous a nature. The House itself had a right to demand that the First Lord of the Admiralty should vindicate his Department by a full inquiry. The right hon. Gentleman ought to be *sans peur, sans reproche*, and on this occasion show that he was *sans peur* by consenting to this inquiry, and he would then also be *sans reproche*.

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “a Select Committee be appointed to inquire into the case of Mr. Charles Henwood,”—
(Colonel Beresford,)

—instead thereof.

After a pause—

MR. HUNT said, he had not risen at the moment because he thought the hon. Member for Pembroke (Mr. E. J. Reed), who had been personally alluded to, might have deemed it right to address some observations to the House in reply to the remarks of his hon. and gallant Friend behind him. As, however, the hon. Gentleman had not done so, he (Mr. Hunt) wished to state himself his views on the subject. The circumstances to which the attention of the House had been called were briefly these—In 1866, it being the desire of the Admiralty to convert some of our old men-of-war into more modern instruments of war as iron-clads, Mr. Henwood sent in proposals and plans for that purpose. Those proposals were seriously entertained, and had considerable attention given to them. It was the duty of the then Controllers of the Navy, Messrs. Reed, Barnaby, and Sir Spencer Robinson, to consider those plans and to make Reports upon them, and they reported upon them accordingly to the Department. Now, those Reports were always confidential Reports, and it was desirable that they should always remain so, for proposals

submitted to the Board were frequently very numerous, and it was important that they should be investigated and reported upon freely without fear of consequences. The petitioner stated in his Petition that copies of the Reports in question were furnished to him by the Solicitor to the Admiralty, and he (Mr. Hunt) had no means of contradicting the statement, as that Gentleman (Mr. Bristow) was now dead. He, however, thought it to be a very strong statement, and had therefore directed search to be made in that department, and it was only right to say that no trace could be found of any such document having been furnished. It was impossible for him to say the statement was not true, but it certainly was an extraordinary one. He was of opinion that it must have got out through the inquiry made into the loss of the *Captain*; but whether so or not, it would be very unfortunate if these Reports were ever allowed to be made public. His hon. and gallant Friend, in dealing with the case, had entered into a great deal of technical matter, of which he (Mr. Hunt) made no complaint; but the main charge was, that Mr. Henwood had submitted certain designs to the officers of the Admiralty, and that they had reported on plans which were not his, and had thus deceived the Board. But what was the nature of the passage from the Blue Book which he had quoted in support of the charge? It was to the effect that the quantities and weights rested upon by Mr. Henwood were not those which their experience told them ought to be estimated, for they supplied those weights and quantities which alone would give the plans any value. That was the answer to the charge. Mr. Henwood said that certain quantities and weights should form the basis of the calculation, and the Controllers said that, according to Mr. Henwood's own plans, those quantities and weights would not suffice. They therefore put before the Admiralty the quantities and weights which would be necessary if his plans were adopted. It had been alleged that these weights and quantities had been put forward by Mr. Henwood. But that was a mistake, as was clearly shown by a printed Minute on the subject issued by the Admiralty, and which he (Mr. Hunt) held in his hand. To it was appended a note by the gentleman who made the calculations, explaining

Mr. Hunt

that the investigation had been made independently of the weights and quantities given by Mr. Henwood, his plans only being followed. Thus, in point of fact, the officials in the Constructor's Department adopted the weights and quantities which they thought ought to be taken instead of those proposed by Mr. Henwood. They represented that, with those weights, the immersion of the ship would be greater than Mr. Henwood thought it would be, and they advised the Admiralty not to adopt his plan. This was the main matter complained of by Mr. Henwood. With respect to the question of freeboard, Mr. Henwood had himself altered his proposals. First, he proposed a freeboard of 3ft. 6in., and subsequently freeboards of 4ft. 4in., 4ft. 5in., 4ft. 3½in., and 4ft. 6in. The last freeboard proposed by Mr. Henwood was, he thought, one of 4ft. At different times he had also proposed different weights. He (Mr. Hunt) confessed that he was perfectly satisfied with the explanations furnished to him by the heads of departments in the Admiralty, and for that reason he saw no public grounds for the appointment of a Select Committee. He had great faith in the present head of the department, who had joined in the representations made to the Admiralty, as well as in those with whom he was associated. He therefore saw no reason whatever, on public grounds, for inquiry into a matter which had been conclusively settled, but if the hon. Member for Pembroke thought that such an inquiry was necessary to vindicate his character he would not oppose it, though he must add that it was not at all required, and he trusted that if the hon. Member took the same view his hon. and gallant Friend would withdraw his Motion.

MR. BAXTER thought the First Lord had exercised a wise discretion in opposing the Motion. He had listened with great attention to the remarks of the hon. and gallant Member for Southwark (Colonel Beresford), and he submitted to the House that no case whatever had been made out to justify their interference. Nay, he would even go further, and say that in his opinion Mr. Henwood had no substantial grievance of which any Court or public Assembly could take cognizance. It was perfectly true that these designs, which on the face of them did not appear very likely,

were disapproved and condemned unanimously by the officers of the Admiralty, but successive Governments had upheld the action of those officers; and the question which the House had to consider was not whether the officers acted wisely, but whether the House itself was prepared to act as a sort of Court of Review in a matter of this character. The House was not an Assembly of naval architects, and was not in a position to investigate a question of the kind. Inventors must expect their designs to be criticized, and if every critic was to be brought before the House of Commons, or before a Court of Law, the House and the Courts of Law in this country would have very little time to attend to anything else. The hon. and gallant Member for Southwark kept out of view altogether the fact that Mr. Henwood had endeavoured to vindicate his reputation elsewhere, he having first taken legal proceedings against the Admiralty printer and against the hon. Member for Pembroke. The Courts of Law, however, would not entertain the matter, and now Mr. Henwood asked the House of Commons to waste its time in making an inquiry. Mr. Henwood in the first page of his pamphlet accused his (Mr. Baxter's) gallant friend Sir Spencer Robinson and his hon. Friend the Member for Pembroke (Mr. E. J. Reed) not merely of making mistakes, but of dishonesty and corruption. What the Motion really demanded was, that that House should declare its conviction that it was true; but did any hon. Member of that House for a moment believe charges of that sort? He hoped his hon. Friend the Member for Pembroke would not think it worth his while to take any further notice of a pamphlet which was one of the most bombastic, foolish, and offensive documents he ever read.

SIR JOHN HAY said, he rose for the purpose of confirming the statement of the right hon. Gentleman opposite (Mr. Baxter), and to express his regret that the subject had been brought before the House. He hoped the hon. and gallant Member for Southwark would withdraw the Motion, for in his opinion, the character of the hon. Gentleman the Member for Pembroke did not require vindication.

MR. E. J. REED said, the pamphlet which had been referred to was undoubt-

edly one of the most offensive and scurrilous documents ever published about public men. For that reason he had never taken any notice of it. The officials at the Admiralty, as guardians of the public interests, altered Mr. Henwood's weights, not improperly, but properly. They did their duty in accordance with their sense of responsibility, and he did not think a single Member of the House believed that the officers of the Admiralty improperly altered figures in documents. The case, in short, was entirely unworthy of that Assembly, and for that reason he would not take up their time. It was stated in the Petition that Mr. Watts, the former Chief Constructor of the Navy, spoke strongly in favour of Mr. Henwood's plan. It appeared, however, on inquiry, that Mr. Watts had only expressed a general opinion and had made no calculations. Consequently, that gentleman's opinion was as unsubstantial as that of any other person. His own reputation he felt, did not need the vindication of a Select Committee, and the reputation of the officers at the Admiralty stood quite as little in need of such investigation to prove that they had acted correctly.

MR. SAMUDA only wished to add that he recollected being present at a former discussion upon the question, when the same allegations were made, and when the noble Lord the present First Commissioner of Works, then the Secretary to the Admiralty (Lord Henry Lennox) gave precisely the same satisfactory statement and reply as that which had now been put before him by the First Lord of the Admiralty. The calculations as to weight and quantities sent in by Mr. Henwood had, of course, to be submitted to proof by professional officers, and in their judgment they were found deficient in strength. When the defects were remedied the ship was found to be too much immersed, and hence the conclusions they arrived at that the proposal was bad; but that was a very different thing from altering and falsifying Henwood's figures, but of submitting them with what they thought indispensable corrections, and he did not think that the House was called upon to judge whether the professional advisers of the Department were right or wrong in the advice they gave to the Admiralty on this head. To do so would

be to take away the responsibilities of public officers and public Departments, and lead to great mischief. He could not help thinking that if the hon. and gallant Member for Southwark had been better advised he never would have been induced to bring forward a motion which he (Mr. Samuda) hoped, after the explanation made, would be withdrawn.

COLONEL BERESFORD said, he would, by leave, withdraw the Motion. ["No, no!"]

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

UNREFORMED MUNICIPAL CORPORATIONS—YARMOUTH AND BRADING, ISLE OF WIGHT.

OBSERVATIONS.

MR. BAILLIE COCHRANE, in rising to call the attention of the House to the corporations of Yarmouth and Brading, in the Isle of Wight, said, he did so with the view of correcting some exaggerated and incorrect statements made with respect to these corporations by the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke), in a speech which he recently made on unreformed corporations. The hon. Baronet had asserted that the town hall of Brading had an area of only 8 feet by 10 feet, and that the whole of the corporation funds were expended upon dinners. The real facts of the case, however, were that the town hall measured 30 feet by 15 feet, and that the expenses of the corporation only amounted to £9 13s., of which sum only £5 10s. was spent upon an annual dinner, the remainder of the funds of the corporation being expended in an unexceptionable manner. The hon. Baronet's statements with regard to Yarmouth were also altogether without foundation, and were indignantly denied by the corporation. The annual income of that borough, which amounted to £237, was applied to the repayment of a large debt which had been incurred for the construction of a breakwater, a large quay, and a pier, and it would be 200 years before the principal was paid off. Instead, therefore, of the members of the corporation embezzling or misappropriating monies which they held in trust for the public, the interest of the debt absorbed the whole of the available income from

all sources, as was shown by Returns which had been made to the House since the speech of the hon. Baronet had been delivered. The actual expenses of the corporation did not exceed £15 per annum, and although there was an annual dinner, it cost the corporation nothing, the mayor having the privilege of paying for it himself. He trusted that he had clearly shown that the observations of the hon. Baronet with regard to these boroughs were not justified by the facts, and that the members of these ancient and loyal corporations were not guilty of the charges that had been brought against them. He also trusted that other corporations might be able to disprove some of the charges which had been made against them by the hon. Baronet in his recent speech to the House.

MR. CLIFFORD humorously complained of what he described as a "ferocious attack" which the hon. Baronet made upon an hon. Member who carried the Yarmouth bridge scheme—he (Mr. Clifford) being himself that hon. Member. It was very ungrateful in people to find fault with that bridge, seeing that it saved them a walk of several miles, and was otherwise a thing of great public advantage. He merely wished to corroborate the statements of the hon. Member for the Isle of Wight with reference to the proper disposal of the funds of the corporations in question, the members of which had been charged by the hon. Baronet with what amounted to little short of embezzlement.

SIR CHARLES W. DILKE was sorry that the hon. Member for the Isle of Wight had thought fit to bring the question before the House of Commons, instead of advising the members of the two corporations in whose interest he had spoken to rebut by evidence, if possible, before the Royal Commission which had been appointed the statements he made when moving for the appointment of the Commission in question. The Members of the Commission were, for the most part, Conservatives, and therefore presumably would have a due regard for the rights of property and the interests of ancient corporations, so that Yarmouth and Brading would probably have been safe in their hands. Matters affecting these corporations were important in and to the localities concerned, but the House could not be ex-

pected to give much time or attention to them. He had, therefore, embodied his statement on the subject in a written document, which he intended to lay before the Commission, and it would then be competent for the corporations of Yarmouth and Brading to bring rebutting evidence. Briefly, his statement would contain stronger allegations as to the way in which the corporations in question conducted their business than he was in a position to make when moving for the Commission. The hon. Member for the Isle of Wight, while defending Yarmouth, had entered at some length upon a defence of the corporation of Brading, but nothing had been said as to the disposal of the corporate funds or the management of the corporate business, save what was, in his view, perfectly easy of disproof. He (Sir Charles W. Dilke) denied they paid all the expenses of the town. The town hall had certainly been rebuilt, but it was still ridiculously small, and there was no evidence to show what had become of the revenues of £500 or £600 received during the last eight years. [Mr. BAILLIE COCHRANE reminded the hon. Baronet that they had built a new town hall.] They had, however, got into debt. He also denied that he had said that any portion of the revenue of Yarmouth was embezzled, although he was ready to allow that persons with very tender consciences might think that his words were liable to that construction. What he had said was that a large sum of money seemed to have mysteriously disappeared every year, and he now repeated that statement. The evidence he intended to lay before the Commission would prove that the corporate officers were elected by private meetings; that the members of the Court Leet were cautioned on election not to make public statements as to the business that might come before them; that no authentic evidence was forthcoming as to the way in which the corporate funds were expended. The borough accounts were never seen, except by the members of the corporation, until they were presented to that House on the Motion of an hon. Member, and it was incorrect to say that they had annually audited and published their accounts. All the unreformed corporations printed their accounts for the use of the members, but in Yarmouth he

had been unable to obtain a copy. The accounts might be audited by a member of the corporation, but certainly there was no public audit. But he was now forced, in consequence of the defence offered by the hon. Member, to make a more serious charge against the corporation of Yarmouth, which was that their accounts were fictitious. The accounts contained in the Return ordered by the House represented that during the last six years they had spent about £700 upon repairs of the harbour, and £146 in 1875 on new works, improvements, and maintenance. He had the evidence of persons well acquainted with Yarmouth harbour, and they declared that in the year 1875 nothing was done to the harbour beyond placing 100 tons of rough stone on the breakwater—the cost of which was £26. That was the only set-off he could find to the £146. The breakwater cost originally £560, and yet the corporation made out that they had spent £120 per year on an average of six years. Considering the defective condition of the breakwater, that, on the face of it, appeared to be a monstrous expenditure. Evidence would be forthcoming before the Commission to prove these facts, and, he believed he should be able to show the Commissioners a very much worse state of things than any one would gather from the remarks of the hon. Member. As, however, that evidence would involve points of detail which could not conveniently be discussed in the House, he could only again express his regret that the hon. Member for the Isle of Wight had raised the question in its present form, instead of bringing it in some shape before the Royal Commission.

PARLIAMENT — ORDER — REFERENCE
TO DEBATES IN THE HOUSE OF
LORDS.—OBSERVATIONS.

EARL PERCY rose to call attention to the practice of referring, in the course of debates in this House, to debates in the House of Lords, and proposed to move—

“That it is highly desirable that the rule of this House that ‘no Member may allude to any debate in the other House of Parliament’ should be strictly observed.”

MR. SPEAKER pointed out that the Amendment of the noble Lord could not

be put, as the House had already negatived the Amendment of the hon. and gallant Member for Southwark (Colonel Beresford), but the noble Lord could address the House upon his Amendment.

EARL PERCY said, that he addressed the House with some hesitation, because he had been accused the other night of "lecturing the House;" and while he did not think he had been amenable to that charge, he was aware that in proposing to deal with a question affecting the Rules which guided their proceedings he might be considered guilty of presumption. He could only say that had any other hon. Member seemed disposed to undertake the matter he would gladly have left it in his hands. As to the terms of the Motion he had placed on the Paper, he trusted it would not be thought that he had been wanting in any respect to the Speaker, who enjoyed the confidence of the House so fully that it would be a suicidal act on the part of any one wishing to engage the attention of the House to expose himself to a suspicion of that character. He wished it also to be understood that he had no idea of proposing any modification of the Rule to which he specially alluded, and he had brought it forward simply because he felt that the practice of referring in the one House to the debates in the other House of Parliament was a most inconvenient practice, and might have perhaps serious consequences. It was an ancient rule, the value of which had been recognized by many eminent Members of the House. But it had been evaded in the spirit, if not in the letter, several times during the present Parliament, and the consequence had been a great deal of undesirable agitation both within and without the walls of Parliament. The instance which was uppermost in his thoughts occurred two years ago, when the hon. and learned Member for Oxford (Sir William Harcourt) told the House that a noble Lord in "another place," a Member of the Government, had spoken of "the blustering majority in that House." The right hon. Member for Greenwich (Mr. Gladstone) then characterized the practice of discussing the speeches of the Peers as "most objectionable," and said the hon. and learned Member had given "the most conspicuous and objectionable example" of the practice which he had

Mr. Speaker

ever known. The result was, that they were led into a long and painful wrangle, which he thought unworthy of that House; and, after all, it turned out that the noble Lord had never used the words attributed to him. When such things were possible, the danger of the practice was evident. In the recent debate upon the Resolution of the hon. and learned Member for Taunton (Sir Henry James), with regard to the Royal Proclamation, copious quotations were made from a report of the Lord Chancellor's speech in "another place." The report contained an important mis-statement, which, it so happened, the right hon. Gentleman the Secretary of State for War was able to correct at the time; but other speeches were also referred to, which could not be corrected in the same manner, and the House had no means of ascertaining what mis-statements might have been made with reference to them, because those who had uttered them were not present to defend or explain what they had said in "another place." That was the most serious fault of the whole matter; because, in commenting on such speeches, they were attacking those who had no power of defending themselves. It was important to observe the Rule that no debate of the current Session in the Lower House of Parliament should be referred to; but if the House saw cause to suspend that Rule, the Members concerned would have it in their power to be present and defend their utterances. That was, of course, not the case with regard to Members of the other House, who were consequently attacked behind their backs. Such a course, he submitted, was unfair to those who were the objects of it, and unworthy of that House; while it was not likely to promote the good understanding which all must desire to see maintained between the two Houses. If noble Lords elsewhere copied that example, and exercised their talents in criticizing speeches made in that House, could hon. Members consistently resent it? He need not say more to show that the evasion of the Rule was a serious matter; and much regretting its occurrence, would leave it to other hon. Members of greater experience to say whether some change should not be made in order to prevent it.

GENERAL SIR GEORGE BALFOUR said, he agreed with the noble Lord in

condemning the practice in question, but thought it was more frequently followed in the House of Lords than in that House. Some noble Lords even went the length of naming the hon. Member whose speech they quoted. As an instance, he might mention that in the other House recently, during a discussion respecting Dover Harbour, allusions were made by name to another hon. Member and himself, who had opposed the expenditure of public money there. The hon. Member named was the Member for Burnley who at all times and under all difficulties did his duty in protecting the public money, and was entitled to their respect. Believing that the expenditure was wasteful, he had simply done his duty in trying to prevent it; and he thought it was not right for a Peer thus to name Members of this House who were discharging what they believed to be a public duty. He might also mention another feature in the speeches in "another place," and that in connection with the Dover Harbour project. Last year he had himself done his best to obtain information with regard to that expensive project, but it was so hidden in the dark chambers of the Treasury and Cabinet that no details connected with the project could be obtained, yet he found that within the last few days the very information which he wanted, and which he was unable to get had been given by a noble Lord in "another place."

MR. SPEAKER reminded the hon. and gallant Member that in referring to a debate in the other House of Parliament during the present Session, he was himself breaking the Rule now under discussion.

GENERAL SIR GEORGE BALFOUR bowed to the decision of the Speaker.

MR. DISRAELI: Sir, the hon. and gallant Member who has just spoken managed, in the course of his short speech, to violate the rules of both Houses of Parliament. He has not only succeeded in the indiscretion to which my noble Friend the Member for North Northumberland (Earl Percy) wishes to call attention—namely, that of referring to proceedings which took place in the other House of Parliament—but in the next place devoted a portion of his speech to a question which was not before the House at all, the large expenditure incurred in reference to the pier at Dover

—a matter as to which we know that he has great experience. I think, Sir, that the House is much indebted to my noble Friend for bringing the question before the House for its consideration. Of late years there has been, perhaps, an excess of licence on the part of both Houses respectively in alluding to the proceedings of the other House of Parliament, and I should be sorry to vindicate any error of our own in that respect by alleging the existence of a similar indiscretion in the other House. That would not vindicate our course, but would rather show the injurious consequences of the example we had set. I think it ought to be known upon what basis the right of interference rests if such conduct is to be further pursued. It is not a Sessional or Standing Order of this House that we should make no reference to the debates of the other House of Parliament; it is, I think, part of what we call the Common Law of Parliament, and I hope before this conversation closes that Mr. Speaker will favour us with his authoritative opinion on that point. But then, if it be, as I suppose, part of the Common Law of Parliament, there may yet be, I think, occasions on which, with, of course, some adroitness, it may be absolutely requisite and for the advantage of discussion that some notice should be taken even of expressions that may be used in the other House. But that must be done with the utmost deference and diffidence, and I hesitate not to say as my own opinion—and I believe it is not an uncommon one—that there has been of late too much licence in that respect. It is a proceeding which every one feels must be full of inconvenience and unfairness. It is not merely that we criticize the words of those who are absent, but that unfortunately we may criticize words which were never spoken. Although it is very true that the newspaper reports of what occurs in both Houses of Parliament are, considering the great difficulties and the pressure of time which the reporters have to encounter, remarkable productions, still there is no doubt that if you come to verbal criticism no speech can bear supervision in that respect. I merely wish to express my sympathy with my noble Friend in the observations he has made. I believe a useful and beneficial result may arise from the attention he has directed to the subject

but, at the same time, I desire to call attention to the fact that it is not a rule which depends upon a Standing Order; and the matter is so important that I shall take the liberty of asking your opinion, Sir, on the subject, so that we may have some authoritative declaration as to the basis on which the Rule rests.

MR. J. R. YORKE said, he had referred to the work which was always consulted by hon. Members when any question arose as to the rules of the House—namely, *The Law and Practice of Parliament*, by Sir Erskine May—and he found it there stated that allusion in debates to proceedings in the other House of Parliament were out of Order, because they were necessarily made in the absence of the person whose statements were referred to, but mainly because the proceedings of one House were not known to the other. They all knew the Resolutions which were agreed to, but there was no official record of the debates, and in the absence of such record what could be more inconvenient than the criticism of language the accuracy of which there was no means of testing? The practice of hon. Members alluding to debates which had occurred in that House was increasing, and he regretted to say that some of the greatest offences against the rule had proceeded from some of the most distinguished Members of the House. He had also always understood it was a part of the common law of Parliament, which tended to the decorum of their proceedings, that the Member in possession of the House should address himself to the Speaker, and yet that rule was frequently broken. It was probable that, as time went on, the House would become more democratic, and therefore it became of more importance that the strict rules of Order should be observed, and he deprecated the observations which were made by the right hon. Baronet the Member for Tamworth (Sir Robert Peel), when he said that Members ought to be allowed to refer to speeches made elsewhere, and that any Rule to the contrary ought to be put an end to. It would be well that the Rule on the subject brought under their consideration by his noble Friend should be known and observed as far as possible.

SIR WILLIAM FRASER said, he had listened to debates in "another place," eight out of ten of which were

marked by the gravity and by the excellence of the tone and temper of the speeches; but he believed that the irregularity deprecated by the noble Lord the Member for Northumberland (Earl Percy) was oftener committed "elsewhere" than it was in the House of Commons. He should be sorry to commit a breach of Order by referring to any particular instance, but he might be allowed to say that he had recently heard a debate which arose in that House criticized in "another place," and, having heard the original debate, he must say he could hardly recognize it. Surely a better example ought to be set to them. In the other House of Parliament there was no one occupying the position which Mr. Speaker occupied in that House to call Peers to Order. Noble Lords were masters of their own behaviour, and it behoved them to be the more careful in each respectively governing his own conduct. He remembered witnessing a most unruly scene some years since, when a question arose whether a Peer who had given a proxy, and who was leaning with his arm on the Bar, was in the House or out of it. ["Order!"] He was not alluding to any specific occasion.

MR. DODSON thought there could be no doubt that the Rules which governed their debates, both as to that and the other House of Parliament, were of great importance, and that it was desirable they should be observed. It was also for the interest of all that whenever there was a disposition to depart from those Rules hon. Members should be recalled to the importance of observing regulations so useful to themselves and the other House of Parliament. He had not, however, observed that there had been any special tendency to laxity of late, or that in former times the Rules of debate were more strictly adhered to than during the present or recent Sessions. An hon. Member who preceded the last speaker alluded to those unauthorized reports which, although not recognized by the House, they all knew the convenience and advantage of. He said that, as the House had no authorized record of its debates, it was inconvenient to refer to former debates. That was perfectly true, but he would remind that speaker that such an argument must not be too strictly pressed.

MR. J. R. YORKE rose to Order, and reminded the right hon. Gentleman that it was irregular to refer to him as "that speaker."

MR. DODSON wished to know whether he was out of Order in referring to the speech just made by the hon. Gentleman?

MR. J. R. YORKE said, it was out of Order to allude to any hon. Member as "that speaker."

MR. DODSON had no objection to describe the hon. Gentleman as "the hon. Member who had just spoken from the Bench" if that would be more satisfactory to him. In the successive stages of a Bill preceding debates were constantly referred to. No doubt the strict Rule of the House was if a subject had been disposed of by Bill or Resolution, that it should not be brought up again in subsequent debates. He presumed, however, that the difficulty, and with it the Motion of the noble Lord opposite (Earl Percy) had arisen upon the Proclamation issued under the Royal Titles Bill. But the discussion on the Proclamation had been treated as only a sequel to the debates upon the Bill, and it would have been impossible to discuss the issue thus raised, unless the House had allowed different speakers to refer to what had been said on the different stages of the Royal Titles Bill. The House could only, in fact, deal with the previous debates as constituting former stages of the same measure. The House was called upon to compare the Proclamation with the promises given, or alleged to have been given, when the Bill was before Parliament, and the right hon. Gentleman at the head of the Government generously and properly interposed in order that the necessary latitude of debate might be allowed. The same debates were alluded to in the other House, and for the same reason—that it was impossible to discuss the coincidence of the Proclamation with the promises with which it was said to conflict or by which it was sought to be justified, unless Members were permitted to refer to what had been said by the Members of the Government, and the same latitude had been required by, and had been granted to, Members on both sides of the House. That, however, was an exceptional case which was not likely to arise again, and the latitude, of which complaint had been made, was conceded

on that understanding. The noble Lord opposite had done good service by calling attention to the necessity of a general adherence to the Rules of the House, and he (Mr. Dodson) trusted he would be satisfied with having done so, and with having entered a protest against what had taken place being construed into a precedent.

MR. SPEAKER: Before this discussion closes it is right I should state that it is part of the unwritten law of Parliament that no allusion should be made in this House to the debates and proceedings in the other House of Parliament during the current Session. There is no Standing Order on the subject, but the unwritten law of Parliament is of equal, if not greater, force than any Standing Order of this House. I collect from the discussion which has now taken place that it is the desire of this House that the law of Parliament in this respect should be strictly observed and enforced. That is my own view, and I am thankful to have my hands strengthened in this matter by the observations that have been made this evening. As the House is aware, this law is occasionally evaded in a manner which, with every desire to be strict, I am not always able to correct. At the same time it will be my duty on all occasions, as far as I can, to enforce that Rule strictly. I am persuaded that it is of great importance to our debates in this House, especially with regard to our relations with the other House, that no allusion should be made to debates in the other House; and that the unwritten law of Parliament herein should be strictly observed.

ARMY RECRUITING.

OBSERVATIONS.

SIR GEORGE CAMPBELL — who had given Notice of his intention to move—

"That in the circumstances of the Country, it is necessary that sufficient provision should be made for two classes of soldiers, viz., men to enter the reserve after a short service at home, and long term men for general service including India,"

said, that the Rules of the House would not allow him to move his Resolution, but he wished again to refer to the subject in the hope that he might receive a satisfactory answer from the Secretary of State for War. The right hon. Gentle-

man told him on a former occasion that he (Sir George Campbell) had brought the question forward several times before, and he confessed that he had done so, for the reason that he could not get any answer to his question from the right hon. Gentleman. He was satisfied from the inquiries that he had made that the present mode of enlisting men for the Service was not successful. The right hon. Gentleman formerly said the subject was under consideration; and he (Sir George Campbell) hoped that some satisfactory conclusion had by this time been arrived at. The present mode of recruiting was not successful, and was not likely to be successful, either for the purpose of obtaining an efficient Home Army and Reserve or for providing an efficient Army for India and the Colonies. The Home Army was not, either in regard to number or quality, what the country would wish to see it. Next year the short-service men would begin to go out of the Army, and there would then be a double flow from its ranks with an increased demand for men, and he did not see where the supply was to come from. He was told, and he believed truly, that they would not get a sufficient flow of men into the Home service, and thence into the Reserve, if they were liable to be sent to India. That point deserved the careful consideration of the Government. Another question was, whether the present system would supply a sufficient number of men to answer the requirements of the Indian Army. He was of opinion that it would not. He thought he was, under the circumstances, right in saying that the service of each individual soldier in India under the six years' enlistment system would not, on an average, exceed three years, which was not by any means a sufficient time to acclimatize him or to supply the wants of our Indian Empire. The fact was, that the six years' system was, he believed, good neither for the Home nor for the Indian Army, and that, besides men for Home service, sufficient inducements must be held out to men who were willing to make the Army their profession, which it was abundantly proved by official documents, were not now offered. A supply of long-service men was necessary for the purposes of India, and he thought India both ought and could bear the expenses which might be required in consequence. He hoped, there-

fore, the right hon. Gentleman the Secretary for War would be able to inform the House that he was prepared to carry out that which was set forth in his own Regulations, which directed that one-half of those who were recruited for the Army should be long-service men, and to explain how it was that he proposed to obtain long-service men for India. He (Sir George Campbell) had found the system the right hon. Gentleman was so anxious to recommend was neither more nor less than that already set forth in the Army Regulations, although he regretted to say they were not acted on, and that they were practically a dead letter. He had questioned his constituents as to whether they would be able to get artizans and men of that class, to join the Army under the existing system, and they always replied in the negative; but it might be possible to do so if men might enlist for Home service only.

MR. GATHORNE HARDY said, he was not at all surprised that the hon. Gentleman should have reverted to the subject of his remarks, for it was one of great interest. He himself had already informed the hon. Gentleman that he was quite aware that it was extremely desirable that there should be a longer service in India than could generally be procured from short-service men. It was a subject which was under discussion between the War and India Offices, but he did not think he should be justified in stating at present what were the propositions which he had made with respect to it to the latter Department, although they were such as would, he believed, secure an adequate service of men who went to India. The object sought, he thought, would be obtained by the following provision—that those men who had already enlisted would not, of course, be held to any bargain but that into which they had entered, but there might be a system under which no man should serve less than five years in India, and as a general rule not more than eight; for medical evidence was emphatic on the point that that was as long as a man ought to be kept there if he were to be fit for the Reserve when he returned to this country. The hon. Gentleman, as an outsider, thought he saw more of the game than those who were immediately mixed up in it, and, indeed, almost everybody was ready to furnish him with a plan to make an Army; but he

Sir George Campbell

could not see how a long-service Army for India was to be provided from a short-service Army for England. He believed the connection between the Army in England and the Army in India was essential to the character of both, and assisted mainly in keeping up the glorious associations of the Service, in which sentiment was found to have very great effect. The hon. Gentleman had spoken of the Army of boys they were getting, and he (Mr. Hardy) could only say he was extremely glad to get them. He should be very glad to get a superior class of men, but he could not get them by compulsion; he could only get them by their volunteering, and they did not volunteer, and he was afraid they would not get very much for the Army except from the class which did usually volunteer. They might call them boys; but, looking back to the description given by the Duke of Wellington, they would find that they were no worse, at all events, than those the noble Duke described. Indeed, they were much better, if reference was made to the Duke's letter to Earl Bathurst. But having, in the discussion of the Estimates, arrived at the Vote for *matériel*, it was, perhaps, a little incongruous that they should revert again to the men. He could only assure the hon. Gentleman, who was as sensitive on this question as he himself was, that, having taken great pains to arrive at a proper conclusion with reference to India in this matter by a system of longer service, he had submitted to his noble Friend a plan which he trusted would be satisfactory. He was, however, not prepared to give up the Reserves, but he was about to test them almost immediately, though he could not say with what result. Surely he could not give them up without testing them, and he would do it in perfect fairness, not with the view of bolstering up a system which was not his, but to bring it to the test of real efficiency; and if he found it fail, he would be prepared to act accordingly, for his object was to have an efficient Army.

COLONEL MURE pointed out that the last Medical Reports had omitted to state the number of men in the regiments quartered in India who, owing to youth, and debility arising from youth, were unable to do duty with their regiments in the hotter stations. In all former Reports these statistics had been

given. It must be remembered that we were the only nation in Europe which was obliged to maintain a comparatively large Force on a war footing—namely, our Army in India. It was admitted that for the safety of our Indian Empire every man in the Army in India ought to be prepared to take the field at any moment. That could not be said to be the case, if a large proportion of the rank and file were so young and weak as to be unable to perform the ordinary duty of peace time, and if it was necessary to send them to be nursed in Hill stations. The Report of 1872—the last which had been issued containing this information—showed what a large proportion of some regiments were, for the above causes, absent from their ordinary duty in Hill stations. He trusted that future Reports would give fuller information on this important point, as from it alone could a fair opinion be formed upon the efficiency of our regiments, which, under the short-service system, were necessarily composed of very young soldiers. With regard to short service, he feared they did not sufficiently consider to what a large extent the duties of the Army lay in India and the Colonies. The class from which the Army was drawn, like all mercenary armies raised without conscription, was the poorest class. In Germany and in the French Army there were very few who had not got something, owing to the great division of property; but in our Army the possession of any property, if anything at all, was quite infinitesimal in amount. Their Armies were very rarely called to distant countries, and their Reserves would never be sent out of Europe; whereas the duty of our Armies lying in distant countries and often in pestilential climates, our Reserves would be called out for foreign service and for long periods. The result therefore of calling out a large Reserve of such men as had been in our Army would be to ruin them. The working classes were most improvident, and it would be a most serious thing to call out 10,000 of them for service in India at a short notice. He hoped that the Secretary for War would carefully consider the responsibility which would devolve upon him calling out a large number of men from civil life. He was very glad the right hon. Gentleman, sensible of all the difficulties of the case, was taking into his

careful consideration what was required for the Army in India as well as at home and in the colonies.

CAPTAIN NOLAN said, that we chiefly wanted a short-service system so as to get Reserves. He thought that six years' service was too long for an Army with Reserves, and that the term might be shortened to two or three years. His own opinion was, that in ordinary cases when they sent men to India they must give up all idea of getting them into the Reserve. Men out there should have the option of completing a long service of 15 or 20 years.

MR. CAMPBELL - BANNERMAN said, according to all the evidence on the subject it was not at all desirable, as the hon. and gallant Gentleman the Member for Galway seemed to think, that the soldier should remain in India more than nine or ten years at the outside, for if he were to remain longer he would come back an exhausted man, not fit for the Reserve or anything else. What we ought to aim at was to keep the soldier in India such a time as to give us a sufficient service there and to bring him back a useful member of society. His hon. Friend who had brought forward the subject (Sir George Campbell) had misunderstood the present rules with regard to long and short service. His hon. Friend did not understand that there should be a certain proportion of long-service and short-service men in each regiment, the long-service men being intended to act as non-commissioned officers and in other capacities. The reason why so few men had been taken for long-service of late was that there had been no short-service until a few years ago, and it was necessary to enlist for short-service in order to bring the two classes of men to something like a level. What his hon. Friend really proposed was that we should have a separate Army for India. But any one who had to apply principles and theories to such a complicated machine as the British Army must know that there would be the greatest difficulty in altering the constitution of regiments in the way which his hon. Friend's plan would necessitate. For his own part, he would be sorry for the Secretary of State who had to divide the British Army into long-service and short-service regiments, the latter only for this country. Another objection was, that if our Reserve was

to be of any use it should have some experience of India. His hon. Friend had spoken of his interview with his constituents, and had given their opinion as to recruiting; but it should be remembered that his countrymen in the country districts of Scotland were too canny to enlist in the Army in any great numbers. There was a great reluctance amongst the agricultural part of the community to enlist, but he did not think it had anything to do with the long or short-service question. The right hon. Gentleman had stated that the matter was before the Secretary of State for India at present. He was sure it would be satisfactory to the House if some arrangement, such as was indicated in the speech of the right hon. Gentleman the Secretary of State for War in introducing the Army Estimates, could be come to, whereby a man enlisted for short service might be allowed to extend his service in India, while securing to us the benefit of his presence in the Reserve when he returned to his own country.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—ARMY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) £370,400, Commissariat and Ordnance Store Establishments, Wages, &c.

(2.) £2,997,000, Provisions, Forage, Fuel and Light, Transport, &c.

(3.) £800,600, Clothing Establishments, Services, and Supplies.

(4.) Motion made, and Question proposed,

"That a sum, not exceeding £1,229,000, be granted to Her Majesty, to defray the Charge for Supply, Manufacture, and Repair of Warlike and other Stores, which will come in course of payment from the 1st day of April 1876 to the 31st day of March 1877, inclusive."

SIR WALTER BARTHELOT said, the Committee would remember that he had on various occasions called attention to the question of the Martini-Henry rifle, believing that it was not the best weapon with which to furnish our Army. The difficulties of repairing the complicated lock in case of accident were so

Colonel Mure

great that in actual service it would be perfectly impossible to overcome them. In 1871 he asked for a Committee to inquire especially into the construction of the lock, but a Committee was refused, though not by a very large majority. He admitted that a very competent Committee had chosen this arm, as in their opinion the best that could be procured; but he was fortified by the opinion of some of the best military authorities, that the lock was so complicated that in case of emergency it would fail, and of course the weapon would become perfectly useless. Since the present Government came into office he had to ask questions of his noble Friend the Surveyor General of Ordnance, and had got some very curious statements from him. His noble Friend would not deny that the arm, at least as far as the lock was concerned, had been almost reconstructed since it was introduced into the Service. He contended that we ought never to have been called upon to expend such enormous sums to remedy the serious defects in the lock. His noble Friend had spoken of the amount as inconsiderable—3s. at one time and 3s. at another; but £75,000 was a very large sum to expend on each separate improvement. Independent Members in this House could not give the names of the various officers whom they had consulted; but there was hardly one who could not tell them that the present action of the Snider-Enfield was superior to that of the Martini-Henry. There were many persons who said that at Wimbledon and elsewhere the Martini-Henry shot admirably. He was not going to dispute it; but at Wimbledon and elsewhere there was always a man at hand to put the lock into repair at a moment's notice. But in a campaign in India or somewhere else, could a common soldier take the lock to pieces and put in a new spring if the old one got bad? With the rarest exceptions, every one who tried this rifle found some fault more or less. It went off when it was not asked to go off. It was true that attempts had been made to remedy its defects. Those attempts had been very costly. He believed this weapon would absolutely fail if it came to the practical test of war. At Perak it was reported on unfavourably, and it was said that after being fired a certain number of times it became too hot to hold, and the

cartridges got jammed. Moreover, it was 4 inches shorter than any weapon used by Continental regiments, and that, he ventured to say, was a very great drawback. If you crossed bayonets—and that was done in the late war between France and Germany—what an advantage it would be to you to have a bayonet longer than that of your foe. The drawback could not be remedied by having a longer bayonet, for in that same war the elongated bayonet or sword bayonet was found to be practically useless, and was discarded. If the Secretary of State for War would only have an ordinary soldier up before him and ask him to repair the spring he would then find how useless the weapon was, and at what a disadvantage the British soldier would be placed in time of war. He believed the old Snider-Enfield rifle was a far better weapon than the Martini-Henry rifle, and that it would be utterly impossible to repair the latter weapon when on service. With the view of affording the right hon. Gentleman an opportunity of giving the Committee an explanation on this subject, he would move the reduction of the Vote by £85,000.

Motion made, and Question proposed,

“That a sum, not exceeding £1,143,146, be granted to Her Majesty, to defray the Charge for Supply, Manufacture, and Repair of Warlike and other Stores, which will come in course of payment from the 1st day of April 1876 to the 31st day of March 1877, inclusive.”—(*Sir Walter Barttelot.*)

MR. MUNTZ supported the Amendment. He believed that after all the alterations and modifications which had been made, the great defect still existed—namely, that the weapon was so complex that in anything like a real campaign it would be unserviceable in the course of three months. The complicated character of the lock was so great that when it got out of order it was so difficult to repair it that it was almost certain in serious warfare to become useless. This, in combination with its shortness, were serious defects, and in a bayonet encounter would probably cause demoralization among the troops who were armed with it. They had had constant chopping and changing in that matter, and he did not see why they should be in so great a hurry. It was all very well to try experiments, but they ought

to arrive at some definite conclusion as to what was the best rifle before they went on manufacturing it in any large quantity. As to rifles with the Whitworth barrel, he had fired 100 rounds with them in less than four minutes. The Snider was good for 800 yards. That being so, he thought until they had got something better that they could rely on, they might have kept it.

GENERAL SIR GEORGE BALFOUR said, that the present Government was not responsible for the introduction of the Martini-Henry rifle, which had been taken up in a great hurry-scurry by a former Government. He had hoped that they would have had 750,000 Snider rifles stored in the arsenals, in excess of those in use, before they made any change of their weapon; but he well remembered that in that House speaker after speaker had put pressure on the War Office to induce it to adopt that change in the kind of arm which was now considered to be defective. It had been so frequently represented that the country was in danger with only the Snider in use; until the Martini-Henry rifle was adopted the means of offence and defence were wanting, and these would be put in perfect order, and the nation saved by the Martini-Henry rifle being forthwith manufactured in hundreds of thousands. This was all asserted at the very time the Germans were then fighting the French successfully with a weapon far inferior to our Snider rifle; but nevertheless we were not content, and nothing but the cry for the destruction of all the efficient and expensive machinery set up at the Enfield factory to manufacture the Snider was heard of, and new machinery to make the Martini-Henry introduced. That was ordered and intended to be completed in a short time, whereas he believed it occupied the factory two years to get all the works in order for the new and greatly lauded arm, and now that the work was going on the arm was condemned. However, the important point now was to try and satisfy the Army as to the completeness of the weapon that was put into its hands; and he urged on the Secretary of State the necessity of satisfying the soldier's mind in that respect.

CAPTAIN NOLAN observed, that that was not a question of going back to the Snider, but simply of having a new rifle. He considered that it would be a great

mistake to spend £1,500,000 on a new rifle when they had such an excellent weapon in the Martini-Henry, which at 600 yards was 40 or 50 per cent quicker than the Snider. Although the lock of the Martini-Henry was somewhat complicated but a very small percentage of those rifles went out of order. An American Committee sat a few years ago to consider the subject, and their decision was that they would adhere to the breechloader until they got a magazine rifle. They were confident that ultimately such a weapon would be invented; and as that was not impossible, it would be foolish in us to enter upon a large expenditure for new breechloaders, which might ultimately be superseded for a superior weapon. Experiments showed that at a range of 1,000 yards the Snider had no chance against the Martini-Henry. They could not get beyond the present calibre of the Martini-Henry on account of the men's shoulders. During the late Franco-German War the Germans impressed their men who had to meet troops armed with the Chassepôt with the necessity of coming to close quarters. The moment, however, the war was over, the Germans obtained a long-range rifle, which showed that they believed such a weapon was useful. His general opinion was that the Martini-Henry was a very good weapon, and that no Army at the present moment had a better one.

LORD EUSTACE CECIL said, that the responsibility of the Government in connection with the Martini-Henry arm was not for its introduction, but for its continuation; for when they came into office in 1874 they found that 104,000 rifles had been manufactured at a cost of something like £460,000, besides those in course of manufacture. A great deal had been said about hurry and scurry in the adoption of the Martini-Henry, but the fact was that no other weapon had ever had a longer trial. The history of the weapon went back as far as 1866, when General Peel, then Secretary for War, issued a notice to inventors stating that it was in contemplation to choose a breechloading rifle, and asking them to send in rifles for competition. One hundred inventors sent in various rifles, and the Martini-Henry was the one chosen. The Committee that reported upon that weapon was formed, not of Artillery officers only, as had been

supposed, but of five or six Infantry officers and civilians, and one Artillery officer as Secretary. Their Report approved of the Martini-Henry, as far as it went. That approval was endorsed by the Council of Ordnance, and another Committee was formed, his noble Friend the Member for Haddingtonshire (Lord Elcho) being an active Member of it. That Committee, confirming the opinion of the preceding one, declared that the Martini-Henry, so far as shooting qualities were concerned, was equal, if not superior, to any rifle in Europe. He did not think that opinion could be gainsaid. In the matter of lightness, accuracy, and cost he believed the Martini-Henry was unequalled. The Mauser, which was the German rifle, had been referred to as cheap, but he happened to know that it cost about £3 1s., while the Martini-Henry could be manufactured for about £2 13s. The latter, therefore, was not the costly weapon which the hon. Member for Birmingham supposed it to be, and so far as he (Lord Eustace Cecil) was aware, none of the regiments into whose hands it had been put had ever denied that it was one of the best weapons they had ever shot with. It was perfectly true that the Martini-Henry rifle was $4\frac{1}{2}$ inches shorter than any other in Europe, but the question of length had received very serious consideration. The bayonet invented by his noble Friend (Lord Elcho) was thought of, but abandoned on account of its weight and cost. Then the Irish Constabulary bayonet was adopted to a certain extent. The bayonet finally approved for the rank and file was an elongated one, which made the Martini-Henry arm about an inch and a half longer than the Mauser and of about the same length as the Chassepôt, to the best of his recollection. At any rate, the Martini-Henry rifle mounted with the elongated bayonet was practically as long as any similar weapon in Europe. Of course, objection might be taken to the length of the bayonet, but that was a question which the military authorities were the best able to decide. Whatever opinions might be entertained on that point, the fact remained that one of the principal objections made to the Martini-Henry rifle, that of its shortness, fell to the ground. The question of balance was not one, he thought, on which any difficulty would arise. The hon. and

gallant Member for West Sussex (Sir Walter Barttelot), although admitting that the barrel of the Martini-Henry was good, took exception to the lock; and, indeed, it was only that part of the rifle which might be said to be seriously called in question. The great objection to the lock was that it was complicated, and that it required an expert not only to put it together, but to keep it in order. Well, the expert was there in the person of the armourer-sergeant, who ought certainly to be able to put the lock into proper order. But the Martini-Henry was not the only arm which was liable to become unserviceable. On the very morning of the battle of Inkermann a brother officer of his, being on picket duty, found that the nipples of the muskets of his company had got stopped up in consequence of dampness during the night. He immediately marched them to head-quarters, had the nipples put in order, and then marched back to help in the accomplishment of that great feat of valour, which had conferred so much glory on English arms. If he had not adopted that sensible course, and had not had the aid of an armourer-sergeant to put the nipples into order, his company would have been disabled on that critical occasion, and very serious consequences might have ensued. Even if they were to go back to the old Brown Bess it would be necessary that there should be some one to look after the arms and keep them in order. He thought, however, it behoved those who said the Martini-Henry rifle was an excellent weapon to look after it a little more closely than they had done. It had come to his knowledge—he would not say that it had not received fair play, for that was a strong term—but it had come to his knowledge that it had been allowed to get rusty and out of order, the result being that when people put it to any sudden test or trial they found that it did not work with that perfection that they might expect. There was no finality in these weapons; but although they had not arrived at perfection or finality, he thought it would be most unsatisfactory and most expensive to be changing their weapon every three or four years before they put it to the test of active warfare. Had they put the Martini-Henry to the test of active warfare? They had one report from

Perak, which stated that after a certain time the weapon got hot and out of order, and that the men had to throw it away; but since then they had reports of the campaign, and not a single fault was found with the rifle. There had been a solitary report, and that was all. Do not let the Committee suppose—and he hoped the country would not suppose—that the Martini-Henry was the only gun in which defects had been found. The hon. Gentleman opposite (Mr. Muntz) spoke of the Snider as being a superior weapon. [Mr. MUNTZ had only said that until they got something better they might have kept it.] Before the Snider was adopted finally defects were discovered, quantities had to be returned to the stores, and reports which he had before him showed numerous defects which had been found out. Indeed, no rifle when first introduced was entirely satisfactory. There was no doubt the Martini-Henry had been put to wonderful trials, and it must be allowed that it had come out very fairly. It was not perfectly understood at present, but when it was he believed it would be appreciated. In the spiral action it was not singular, and as to the alleged great recoil of which they at first heard a great deal now nothing was said about it. He did not view the Martini-Henry as a final weapon; but he believed, as it stood, it was as good a rifle as they could possibly wish for. They had cured a great many defects. It was the best shooting rifle in Europe, and the lock, whatever might be its disadvantages, if properly taken care of, would work well.

LORD ELCHO said, his noble Friend the Surveyor General of the Ordnance having done him the honour to refer to him as having been on the Committee who sat on the Martini-Henry rifle, he hoped he would be permitted to say a word on the subject. Although a Member of that Committee, he had nothing to do with the selection of that arm as the rifle for the British Army. That was done by the first Committee, for there were two, and he was a Member of the second only, which had to consider the Reports from regiments to which the Martini-Henry rifle had been issued on trial. A question having been raised as to the efficiency of the breech action, he felt that it was necessary to have an experienced mechanical

engineer appointed a member of the Committee. This was done, and he was bound to say that the evidence given by gentlemen most eminent in their profession of engineers, respecting the Martini-Henry rifle, was that it was a most efficient weapon; and that the spiral spring principle in another weapon was mechanically sound and reliable. Then, as regarded the shooting of the Martini-Henry rifle, it had been shown that it was an infinitely superior weapon to any foreign rifle. He did not know what was meant by saying that it was a delicate weapon. The Committee subjected it to a harder trial than it would ever get in the field, and the gun withstood it. He was, therefore, not alarmed at the gun being called a delicate weapon; but he was alarmed at hearing from the noble Lord that they must look to an improved class of soldier, who would be more fit to handle delicate weapons. As regarded finality, of course nothing was final; and although there might be better rifles hereafter, at present this was, as regarded range and accuracy, the best military arm in Europe. In Switzerland he found that something like 700,000 shots had been fired from the Martini rifle at the Tir Federal without accident; but the Swiss were not armed with the Martini rifle, but with a different weapon. It was, indeed, at one time a "toss up" whether they were to adopt it or the "Wetzler," a repeating rifle, but the latter was chosen. It had always been, he might add, a matter of great surprise to him that the first Committee should have rejected all repeating rifles in favour of breech-loaders, because it was manifest that troops armed with repeaters would occupy relatively the same position towards those which happened to be armed with breech-loaders that the latter would hold in reference to those who had only muzzle-loaders. The Swiss repeating rifle had a magazine containing 11 cartridges, and it shot with accuracy and at long ranges; but he had seen an American rifle—Green's—which had the advantage that it could be used either as a repeater or a single barrel. It was, in his opinion, one of the best rifles which had been brought under his notice, and in cases in which rapid firing at close quarters was desirable, it would be very serviceable. ad. to

Lord Eustace Cecil

him, therefore, that those who were responsible for the arming of our troops would be wanting in their duty if they were to decline to give due consideration to the merits of such weapons. As to the Martini-Henry, there had at one time been an organized set made against it by some disappointed inventor; and it was very certain that, whatever rifle was adopted, it would encounter the like opposition. Allusion had been made to a sword-bayonet which bore his name. Now, he did not himself stand up in this House as a disappointed inventor—he did not claim to be an inventor. When he went on the Committee there were a rifle and a bayonet submitted to them. The Committee succeeded in getting the rifle reduced a pound in weight, and the Committee that sat previously on the subject had reduced it in their time also in weight, so that the weapon was considerably lightened and rendered more manageable. But as to the bayonet which the first Committee adopted, it was simply the old straight sword bayonet with a saw at the back, which, while it was not peculiarly adapted to be a thrusting, was a most inefficient cutting instrument. Now, what was wanted in the Army was a weapon that would cut wood readily. There were endless occasions when a soldier would find the advantage of such a weapon—in cutting wood for fuel, for making gabions, fascines, and abattis, in cutting his way through jungle, hedges, or other obstacles. Formidable though a bayonet looked at the end of a rifle, and much as was heard of bayonet charges, still bayonet wounds were almost unknown, the whole percentage of killed and wounded by cold steel, including swords, in the Franco-German War having been only 2 per cent. He therefore went to Mr. Wilkinson, of Pall Mall, the best sword cutter in Europe, and with the help of Mr. Latham, his partner, a form of sword bayonet was devised which, while most formidable as a thrusting weapon, was, as a cutting instrument, as powerful as any woodman's bill, being formed on the principle of the famous Ghoorka knife. Lord Sandhurst, when it was shown to him, in a letter which he wrote to the Committee, described it as supplying a want which had been long felt in the Army. Well, the Committee, having deliberated, adopted that form of weapon,

and it having been begun to be manufactured and issued by the Government, he should like to know why its issue had suddenly been stopped in deference to the report of a departmental Committee of whom the name of a single Member was unknown to the country? Rumour said that the reason why the issue had been stopped was that the bayonet was one which fixed at the end of the rifle would not look well in Pall Mall in the hands of a sentry! At least, no better reason had been given. If the objection to the adoption of this bayonet was not a question of appearance or weight, it must be a question of expense—the matter of a shilling or two—and surely this nation was not so poor that it could not give its small Army the best weapon that could be obtained.

MR. GATHORNE HARDY said, his noble Friend was wrong in supposing that his services were not valued, even though the sword bayonet which he proposed had not been adopted for the Army. He had never before to-night heard it alleged as a reason for giving up the sword bayonet that it would not make a good appearance in Pall Mall. Again, his noble Friend was wrong in supposing that the expense would be very small. The ordinary bayonet which was now proposed, of a lengthened pattern, would, with its scabbard, cost 4s. 1½d.; whereas the sword bayonet, with its scabbard, would cost 15s. 6d. Rich as the country was, we could hardly be expected to pay so large a sum except for something of superlative excellence. The ordinary bayonet, he might remark, was 10 ounces lighter than the proposed sword bayonet. He need not detain the House with any observations concerning the rifle itself. Our forces were, he believed, armed at the present time with a weapon which was well calculated to meet any one of a different kind in the hands of any enemy whom we were likely to encounter; and although there might be some defects in it, those defects had been remedied by the mechanical ingenuity of our gunsmiths in such a manner as to prevent their recurrence. At all events, until we saw the superiority of some weapon of a totally different kind, we had better content ourselves with that which we already possessed.

SIR WALTER BARTHELOT said, that after the remarks of his right hon. Friend the Secretary of State for War,

he would not put the Committee to the trouble of dividing. It was because he believed that the lock of the weapon was defective that he had thought it right to bring the matter before the House.

CAPTAIN NOLAN wished to know how many breech-loading rifles there were in the country?

LORD EUSTACE CECIL, in reply, said, that the number of Sniders in use for the Land Forces was 323,484, and the number of Martini-Henrys 93,020, making a total of 416,504 breech-loading arms. The total number of breech-loading arms now in use, or which would probably be in store on March 31, 1877, would, it was hoped, amount to 891,061. Too much stress had been laid on his remarks about the educated soldier. All he meant to say was, that a man should be able to take care of his arms.

MR. MUNTZ said, as far as the interests of his constituents were concerned, it would be to their advantage to see the Army provided with the worst possible weapon, because they would have to manufacture a greater number of them. The present weapon, on its introduction four years ago, was eulogized and stated to be perfection, but now 20 defects in it, some of which were not yet remedied, had been admitted.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(5.) Motion made, and Question proposed,

"That a sum, not exceeding £845,100, be granted to Her Majesty, to defray the Charge for Superintending Establishment of, and Expenditure for, Works, Buildings, and Repairs at Home and Abroad, which will come in course of payment from the 1st day of April 1876 to the 31st day of March 1877, inclusive."

MR. J. R. YORKE, who had given Notice of a Motion to omit the sum of £17,000 for the re-construction of Knightsbridge Barracks, said, if it were merely a question of taste he should not have troubled the Committee on the subject, but there was the matter of convenience to be considered. There were many disadvantages attending the retention of the present site, which he had always contended was inadequate; indeed, it had been officially reported as such for the purposes of barracks, and,

if so, after the road had been widened, as was proposed, it would be still more inadequate and inconvenient. As a question of convenience, therefore, as well as of good taste, he would recommend to the favourable consideration of the Secretary for War the proposal of Sir Henry Cole to erect a new barrack 100 feet back from the site of the present building, and to allow the ground which they occupied to revert to the Park in the shape of an ornamental garden. With reference to the suggestion, he believed that the best authorities were of opinion that more commodious barracks might be erected to the north of the present buildings. It had often been urged that the barracks occupied by the Household troops ought to remain in Hyde Park, because it might be necessary to employ those troops against mobs of people who had gathered in the Park for unlawful purposes. There were two answers to this argument—an argument which he utterly rejected. In the first place, they could have no object in doing so, now that the question of holding meetings there was settled; and if disorderly mobs were to gather at all, it was surely much better that they should assemble in the Parks than they should choose the neighbourhood of, say, the Houses of Parliament, or the thickly-populated districts of the metropolis; and, in the second place, if it become necessary to deal with such persons, the soldiers to be employed for the purpose should not be the Household troops, who were stationed constantly in London, but men drawn from distant garrisons for the special purpose. The last time they were employed against the people was at the funeral of Queen Caroline. Several people were then killed, and the Life Guards were long known as "the Piccadilly butchers." Troops living on the spot ought not to be so employed. The Duke of Wellington did not rely on the Household troops in 1848, and there was abundance of cavalry and infantry at Colchester and at Aldershot within an hour's rail of the metropolis. With regard to the sanitary part of the question, there was sufficient evidence on the Table of the House, in the Reports of Professor Parkes of the Royal Commission of 1863, and of the Sanitary Commission of 1861, all of which were overwhelmingly strong in favour of separating the horses and the men, and unanimous

in affirming that the health of both would be improved thereby. All the evidence given before those bodies showed that it was injurious to the health of the horses to have anything except the stable roof between them and the outer air, while it was still more injurious to the health of the men to have them lodged over the horses, as their rooms were saturated with the odour of the stables. They also reported that the site of the barracks had been shown to be inconvenient; and, further, that a convenient one could without difficulty be found. The conclusion which he had come to was that in the absence of an overwhelming necessity, it would be very wrong to erect new barracks on the old site, and therefore he must ask the right hon. Gentleman at the eleventh hour to re-consider the matter and adopt the suggestion referred to; for if he did that he would give satisfaction to the people of London, and especially to the people residing at Knightsbridge. He now left the issue in the hands of the Committee, being conscious that he had left nothing undone to press what he considered an important matter on their attention.

MR. FORSYTH, in seconding the Motion, said that, though it would be in vain to hope to resist the Vote, yet, if hon. Members were willing to listen to facts, he would show that the new barracks ought not to be erected on the present site. When the barracks were first erected in 1780 at the time of the "Lord George Gordon Riots," the site was nothing but green fields, and Knightsbridge a small village. Now, they were an unsightly excrescence on one of the noblest suburbs of the metropolis, and he submitted that, if they wanted a good approach to the metropolis from the West of England, they must pull down the present barracks and leave the space vacant for the erection of good houses. So long as the barracks remained in their present position, no contractor could be found to undertake the erection of a single good house in the place of the mean and disreputable edifices which now existed. This he said, fully admitting that he had nothing whatever to allege against the soldiers who inhabited the barracks. He had hardly ever seen one of them drunk, nor had he ever seen a soldier enter a public-house in the neighbourhood. He insisted that if the barracks did

not already exist there, the Secretary for War would not obtain a single shilling for their erection at Knightsbridge. It could not be asserted that no other site for them could be found, because several had been pointed out, and if all who had the improvement of London at heart voted for their removal, one of them would soon be chosen. Nor could it be said that these barracks were necessary for strategic purposes, because there had been, happily, no collision between the military and the populace of London for the last 90 or 100 years, and the difference of time in the arrival of troops from Chelsea or from Hyde Park could not be more than five or ten minutes. That delay would not endanger the peace of London, and there was, therefore, no necessity for retaining the barracks where they were.

Motion made, and Question proposed,

"That the Item of £17,000, for the Reconstruction of the Hyde Park Cavalry Barracks, be omitted from the proposed Vote."—(Mr. Reginald Yorke.)

GENERAL SHUTE said, he did not think the House of Commons the place where such details as he had listened to regarding this question should be discussed. It was one to be decided alone by military authorities, and not by hon. Members of that House, most of whom knew nothing of Cavalry, or the mode in which Cavalry regiments should be accommodated. He thought the site at Knightsbridge a most valuable one, and sincerely hoped it would be retained. Our Household Cavalry were kept down to a low point, and it might happen that they would only be able, when wanted, to mount 200 horses. Every one knew the importance of not irritating the mob by a display of force, and the advantage of these barracks was that the authorities could quietly and unobtrusively concentrate in them, not only one or two battalions of Infantry, but a large force of police, who could act with the Cavalry in case of necessity. The removal of the barracks to a more northern portion of the Park has been suggested, but a road must be made, and there would be waggon loads of manure to carry from the stables. He would, however, recommend a still larger expenditure than the War Office now proposed, so as to bring the riding school

nearer the men and horses. It was said that it was undesirable for sanitary reasons that the men should not sleep over their horses, and the opinion of medical men had been quoted. He did not care what medical men said, but let them ask the opinion of commanding officers of Cavalry regiments. There would be a great deal more disease through men getting wet in going to and from their stables. When he was at Shorncliffe his men were half-a-mile from their stables, and they were always getting cold and being laid up from having to go and look after their horses in the rain. Where did their grooms in London sleep but in rooms over their horses? and the Cavalry stables were much cleaner and better ventilated than private stables. It was far better that the stables should be under the barrack rooms than at a distance from them.

SIR WILLIAM FRASER said, that this was more or less a question of economy; the War Office would be called upon to pay a large sum of money for any other site. To remove the present barracks, and build a new one would also entail large expenses which, he believed, the country might not be disposed to pay. He believed that the Government would be glad to provide new officers' houses further to the west if they were not afraid of the expense, which would amount to about £15,000. To place barracks on the right side of the road going westwards would simply ruin the appearance of the Park, and spoil the grass-plot there, without deriving any material advantage from such a position.

COLONEL ALEXANDER called attention to the disgraceful state of the huts connected with the Beggar's Bush Barracks in Dublin, which, he said, were entirely worn out, and expressed a hope that the Secretary for War would order them to be pulled down as soon as possible. They called for improvement quite as much as the barracks under consideration.

MR. ADAM supported the Amendment, contending that the elevation of the new barracks, as shown by the model exhibited in the Tea Room, was not such as would add to the beauty of that part of London in which it was proposed they should be erected, while the site was a bad one so far, as furnishing those conveniences which barracks ought

to possess. He also objected to the argument that it was desirable to have troops near Hyde Park, as it were to overawe the people who might assemble there for objects which might be perfectly legitimate, observing that those who were bent on mischief would not be likely to meet in the vicinity of barracks. He suggested that a better site than that at Knightsbridge might be found near Chelsea Hospital, and that another and more healthy place might be provided for the boys by whom the schools there were occupied.

MR. GATHORNE HARDY excused himself, on the ground that the subject had been repeatedly discussed, from entering into it at any length. He denied that he had ever made use of the argument that it was desirable to keep troops in the neighbourhood of Hyde Park, for the purpose of acting against the people. So long as the meetings held there were confined to proper objects, and properly conducted, there was no wish on the part of the Government to interfere with them at all. But it was very expedient that there should be an open space in the immediate vicinity of Cavalry Barracks in order that the troops upon an emergency might be able to move in every direction without passing through narrow streets. As to removing the barracks to Chelsea, he hoped the Committee would not think he was wrong in not spending more money than he could avoid in dealing with the question, seeing that he had at hand a site which he was informed would furnish all that was requisite for Cavalry barracks, and that he was assured on the best authority that the health of the men would not suffer from sleeping over the stables. Indeed, in the most recently erected barracks—those at Colchester—where there were no other considerations at work than the advantage of the troops—the men's quarters were placed over the stables. With regard to Sir Henry Cole, when it was suggested to him that his scheme was costly, he pointed out that that was no affair of his, but to beautify London. It might be very well to propose plans admirable for their æsthetic qualities; but, at the same time, they must not be unmindful of economy. The duty of the Secretary of State, however, was not to beautify London; and as to æsthetic qualities, they were matters about which tastes very much dif-

ferred. It was therefore his duty to keep economy in view, while at the same time he had to take care that nothing should be done offensive to the neighbourhoods where the barracks were. Even on that score the elevation of the new barracks would, he believed, bear favourable comparison with any of those magnificent houses to which the hon. and learned Member for Marylebone had referred. If the House of Commons wished to put him in possession of enormous sums for that purpose that would be an affair for them to consider. There was, however, no site which he could find which for various reasons was so advantageous as that at Knightsbridge, and he hoped the Committee would agree to the Vote without further discussion.

LORD ELCHO thought that although it might be no part of the duty of his right hon. Friend to beautify London, he should take care that barracks were not erected which would be a disfigurement to the Metropolis. He should vote for the Knightsbridge site as, in his opinion, the best; but then he should like to have an understanding with the right hon. Gentleman that he would not bind himself by any contract, until the public had been enabled to judge of the probable effect of the new buildings by means of a model on a sufficient scale.

MR. MUNTZ thought the situation of the barracks at Knightsbridge most excellent, and it would be folly to throw away money in buying another site. He should certainly vote against the Amendment.

Question put.

The Committee *divided*:—Ayes 14; Noes 125: Majority 111.

MR. E. J. REED wished to call the attention of the right hon. Gentleman the Secretary of State for War to the state of the question with reference to the Moncrieff system of gun carriages; and to ask, whether it was now carried out on the mechanical principle on which it was first introduced, or on the hydraulic principle Major Moncrieff proposed at a later period?

MR. GATHORNE HARDY said, that Major Moncrieff last year made his final settlement with the War Office, and a Vote was taken to complete the payments due to him. Since that period Major Moncrieff had applied himself to

utilizing the hydraulic principle in working heavy guns; but with that the War Office had nothing to do. They were, however, seeing what could be done in applying hydraulic apparatus to the working of the larger guns.

CAPTAIN NOLAN observed, that the Moncrieff system had, in the estimation of a great number of persons out-of-doors, been somewhat suddenly dropped by the Government without any adequate reason having been given for doing so. He thought it would have been more satisfactory had the Government brought the invention forward a little, in order to ascertain exactly what its merits were.

MR. E. J. REED said, the right hon. Gentleman had not answered his question. What he wished to know was, whether the Government intended mounting guns which should disappear when fired; and, if so, whether they would do it on the hydraulic principle?

LORD EUSTACE CECIL said, there were two systems of Major Moncrieff, one the counter-weight system, the other the hydraulo-pneumatic system; the former they had adopted, the latter had been reported against, and they had not used it.

MR. HAYTER asked for some explanation as to the proposed expenditure of £3,000 in the repair of Knightsbridge Barracks, and as to the amount to be spent upon the huts at Shorncliffe? He also wished to know, what benefit would be derived from the proposed reclaiming of part of the Long Valley at Aldershot?

MR. GATHORNE HARDY said, the matter of the huts would require great consideration; but, in the meantime, it was necessary to make the proposed expenditure at Shorncliffe. The Horse Guards would be quartered, some at Regent's Park, Knightsbridge, and Hampton Court, during the rebuilding of the Knightsbridge Barracks.

Vote agreed to.

Original Question put, and *agreed to*.

(6.) £144,100, Establishments for Military Education.

SIR WALTER BARTTELOT said, he presumed, from the age for officers entering the Cavalry being extended to 22 years, there was great difficulty in getting a sufficient number to join the

MR. GATHORNE HARDY said, it was the pension of Mr. Greig.

Vote agreed to.

(12.) £144,600, Widows' Pensions, &c.

(13.) £16,500, Pensions for Wounds.

(14.) £35,400, Chelsea and Kilmainham Hospitals.

(15.) £1,220,000, Out-Pensions.

MR. GORST complained that many men who had served for many years in the Army meritoriously had not those pensions paid to them to which they were entitled.

SIR ALEXANDER GORDON also referred to cases of a similar nature, and asked why pensions to soldiers of 18 years service were not awarded according to the terms of the Royal Warrant of 1870?

MR. GATHORNE HARDY said, the subject of pensions was under the consideration of the Government, and he hoped it would be arranged satisfactorily in a short time.

(16.) £164,200, Superannuation Allowances.

(17.) £34,300, Militia, Yeomanry Cavalry, and Volunteer Corps.

CIVIL SERVICE ESTIMATES.

CLASS V.—COLONIAL, CONSULAR, AND OTHER FOREIGN SERVICES.

Motion made, and Question proposed,

“That a sum, not exceeding £181,663, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1877, for the Expenses of Her Majesty's Embassies and Missions Abroad.”

Whereupon Motion made, and Question proposed, “That the Chairman do report Progress, and ask leave to sit again.”—(*Dr. Cameron.*)

Motion, by leave, *withdrawn*.

Original Motion, by leave, *withdrawn*.

(18.) £33,164, to complete the sum for Colonies, Grants in Aid.

(19.) £2,590, to complete the sum for Orange River Territory and St. Helena.

(20.) £3,282, to complete the sum for Commissions for Suppression of the Slave Trade.

(21.) £12,007, to complete the sum for Tonnage Bounties, &c. and Liberated African Department.

MR. RYLANDS said, that these tonnage bounties were additions to the pay of the naval officers employed on the East Coast of Africa for the capture of slave dhows. They were entitled to the bounties if no slaves were on board the captured dhows, and he believed that dhows were occasionally seized which were engaged in lawful traffic.

MR. W. H. SMITH said, that all captures had to be regularly condemned by a Prize Court, and when that Court issued its orders, the Treasury had no option but to find the money. These bounties were paid under the provisions of an Act of Parliament, and if the hon. Member was dissatisfied, the proper course for him would be to bring in an amending Bill.

Vote agreed to.

(22.) £4,017, to complete the sum for Emigration.

(23.) £1,600, to complete the sum for the Treasury Chest.

CIVIL SERVICE ESTIMATES.

CLASS VI.—SUPERANNUATION AND RETIRED ALLOWANCES AND GRATUITIES FOR CHARITABLE AND OTHER PURPOSES.

(24.) £333,210, to complete the sum for Superannuation and Retired Allowances.

(25.) £28,900, to complete the sum for the Merchant Seamen's Fund, Pensions, &c.

(26.) £27,000, to complete the sum for the Relief of Distressed British Seamen Abroad.

In reply to Sir H. DRUMMOND WOLFF,

MR. W. H. SMITH said, that it was not found expedient to give the Legations abroad a general power to send home distressed British subjects. They were not always the most deserving persons, and such a power might lead to considerable and embarrassing charges. Occasions, however, did arise when it was right to undertake such duties.

Vote agreed to.

(27.) £3,738, to complete the sum for Miscellaneous Charitable Allowances, &c. Great Britain.

CIVIL SERVICE ESTIMATES.

CLASS VII.—MISCELLANEOUS, SPECIAL, AND TEMPORARY OBJECTS.

(28.) £44,901, to complete the sum for Temporary Commissions.

(29.) £2,430, to complete the sum for Deep Sea Exploring Expedition.

(30.) £4,516, to complete the sum for Miscellaneous Expenses.

REVENUE DEPARTMENTS.

(31.) £828,530, to complete the sum for the Revenue Departments.

(32.) £1,431,304, to complete the sum for Inland Revenue.

(33.) £2,570,406, to complete the sum for the Post Office.

(34.) £701,930, to complete the sum for the Post Office Packet Service.

(35.) £928,148, to complete the sum for the Post Office Telegraph Service.

House *resumed*.

Resolutions to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

WILD FOWL PRESERVATION BILL.

[BILL 42.]

(*Mr. Chaplin, Mr. Rodwell.*)

COMMITTEE.

Order for Committee read.

Bill *considered* in Committee.

(In the Committee.)

MR. J. W. BARCLAY having given Notice of a Motion to reject the Bill,

MR. CHAPLIN explained that the Act of 1872, which was brought in for the same purpose, was rendered useless by an Amendment which Mr. Auberon Herbert succeeded in passing by a majority of 5 in a thin House, and which made the penalties so small that the Act had ever since been worthless for the purpose for which it was intended. The present Bill merely proposed to give protection to wild fowl during the breeding season.

MR. MUNDELLA said, he was on the Committee to which the subject had been referred, and he would express his opinion that the Bill ought to be allowed to pass.

Clauses *agreed to*, with Amendments.

Bill *reported*; as amended, to be considered upon *Monday* next.

ELECTION OF ALDERMEN (CUMULATIVE VOTE) BILL.—[BILL 46.]

(*Mr. Heygate, Mr. Russell Gurney, Mr. Fawcett, Mr. Wheelhouse, Mr. Morley.*)

FURTHER PROCEEDING ON SECOND READING.

Further Proceeding on Second Reading *resumed*.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Wheelhouse.*)

MR. MUNDELLA said, that the Bill would have the effect of rendering municipal elections political, while at present they were non-political. He should, therefore, move the Adjournment of the Debate.

Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. Mundella.*)

The House *divided*:—Ayes 33; Noes 41: Majority 8.

Question again proposed, "That the Bill be now read a second time."

MR. ROWLEY HILL moved the Adjournment of the House, urging that it was most unfair that it should be proceeded with now, when it was understood that the Bill was not to come on, and most of its opponents were absent in consequence.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Rowley Hill.*)

MR. ASSHETON CROSS said, he had voted for the Adjournment of the Debate because he felt that there was a great diversity of opinion on the Bill; but the House having expressed itself upon that point, he did not feel that he ought to interfere further with the discussion of the Bill at that stage.

SIR HENRY JAMES said, that the Bill involved a most serious and impor-

tant change in the conduct of municipal elections, and required hours for its thorough discussion. That being so, he thought it most improper that an attempt should now be made to force on the discussion of the Bill, when, contrary to what had been the expectation, it was called on only fifteen seconds before half-past 12 o'clock, after which, by the Rule of the House, unopposed Business could not be taken.

Question put.

The House *divided*:—Ayes 21; Noes 47: Majority 26.

Question again proposed, "That the Bill be now read a second time."

MR. RAMSAY said, that justice had not been done to hon. Members on his side of the House in pressing on this discussion at so late an hour, and he therefore moved the Adjournment of the Debate.

MR. WHEELHOUSE said, that perhaps after what had occurred it would be better to adjourn, and he, therefore, assented to the Motion.

Motion *agreed to*.

Debate *adjourned till Tuesday next*.

CUSTOMS DUTIES CONSOLIDATION BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill for consolidating the Duties of Customs.

Resolution reported:—Bill *ordered* to be brought in by Mr. RAIKES, Mr. WILLIAM HENRY SMITH, and Mr. CHANCELLOR of the EXCHEQUER.

Bill *presented*, and read the first time. [Bill 188.]

House adjourned at One o'clock till Monday next.

HOUSE OF COMMONS,

Monday, 12th June, 1876.

MINUTES.]—NEW WRIT ISSUED—For Pembroke County, v. Sir John Henry Scourfield, baronet, deceased.

SUPPLY—*considered in Committee*—Resolutions [June 8 and 9] *reported*.

PUBLIC BILLS—*Ordered*—First Reading—Suez Canal Shares* [189].

Sir Henry James

Second Reading—Appellate Jurisdiction [111]; University of Oxford [151]; Army Corps Training [182]; Jurors Qualification (Ireland) [127]; Supreme Court of Judicature (Ireland) [161]; Metropolitan Commons (Barnes)* [181]; Local Light Dues (Reduction)* [173].

Considered as amended—Wild Fowl Preservation [42].

Third Reading—Local Government Provisional Orders, Aberavon, &c. (No. 7)* [164]; Tramways Order Confirmation (Wantage)* [157]; Gas and Water Orders Confirmation* [158]; Small Testate Estates (Scotland)* [145], and *passed*.

ARMY CHAPLAINS—COMPENSATION.

QUESTION.

COLONEL MAKINS asked the Secretary of State for War, Whether he is prepared to recommend that compensation should be made to Army Chaplains compelled to retire under the age clause of the Warrant 1st April 1875, similar to that made to Medical Officers retiring under similar circumstances under the Warrant of 1st May 1876?

MR. GATHORNE HARDY, in reply, said, he had made a recommendation upon the matter referred to to the Treasury, but he must dispute the statement in the Question that the circumstances under which the chaplains retired were the same as in the case of the medical officers. The conditions under which the chaplains held their offices were different from those under which the medical officers held theirs, and therefore he could not make a similar recommendation.

METROPOLIS—ST. JAMES'S PARK.

QUESTION.

LORD FRANCIS HERVEY (for Mr. J. G. TALBOT) asked the First Commissioner of Works, Whether he has been able to take any measures for the lighting of the enclosure in St. James's Park, to which the Secretary to the Treasury promised his attention in August last?

LORD HENRY LENNOX, in reply, said, that at the request of the Secretary of the Treasury he had made a careful examination into the question whether it would be possible or advisable to light the enclosure in St. James's Park, and he did not find that he could make any satisfactory arrangement for carrying out that object.

ARMY—1st SOMERSET MILITIA.
QUESTION.

MR. A. BARCLAY asked the Secretary of State for War, If it is the case that the application of the First Somerset Militia for ammunition to fire a feu de joie on the Queen's birthday was refused, and if there is any objection to state the reason for that refusal?

MR. GATHORNE HARDY, in reply, said, the regiment had drawn its full supply of ammunition for the year, and under the existing regulations no more could be issued.

POST OFFICE SAVINGS BANKS.
QUESTION.

MR. BIGGAR asked the Postmaster General, Whether the Post Office Savings Banks system might not be beneficially extended by giving leave to depositors to lodge larger sums than they can now do both in each year and in the aggregate; and, whether he will consider the desirability of all Telegraph Stations and Money Order Offices taking deposits?

MR. W. H. SMITH: The question whether large sums may not be lodged by depositors in one year and also in the aggregate is already under the consideration of the Government. Savings bank deposits are taken at all money order offices throughout the United Kingdom. There are only 195 post offices in the United Kingdom at which telegraph business is transacted which are not open for money order or savings bank business, and these are situated in localities where savings bank business is not likely to arise. There are about 1,800 telegraph offices at railway stations, but these offices are under the control of the railway companies, and could not be made available for savings bank business.

THE CHANNEL TUNNEL SCHEME.
QUESTION.

MR. BROMLEY-DAVENPORT asked the Under Secretary of State for Foreign Affairs, Whether, in the event of the scheme known as the "Channel Tunnel" scheme being attempted to be carried into effect, the Government will provide that the consent of Parliament be first obtained?

MR. BOURKE: In answer to the Question of my hon. Friend, I am able to assure him that in the event of the scheme he has referred to being attempted to be carried into effect, the Government have already provided for authority to conclude a treaty—and a treaty will be necessary—and that treaty must receive the sanction of Parliament before being carried into effect.

PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS.—QUESTION.

CAPTAIN PIM asked the First Lord of the Treasury, Whether, looking to the condition of the "personnel" of the Mercantile Marine, he will afford any facility for the early consideration of the Training Schools and Ships Bill and the Mercantile Marine Hospital Service Bill, now waiting the Second Reading, these Bills having been before the House all last Session as well as this?

MR. DISRAELI: My first duty is, of course, to carry, if possible, those Bills which have been introduced on the part of the Government, those Bills dealing with subjects which we think are of most pressing importance. When they have been carried, or are in a position which is equivalent to their ultimate success, I shall be very happy on the part of the Government to place any time which is at our disposal at the command of hon. Members, and to apportion that time among those subjects which are most interesting to the House. The measures noticed by my hon. Friend no doubt refer to subjects which no one can deny are interesting; but I am not sufficiently acquainted with the manner in which those subjects are treated in those Bills to give any definite opinion on the course which should be taken with them. But the first engagement which the Government have in regard to time, independently of that which must be devoted to the passing of their own measures, is with the hon. and learned Member who introduced a debate on Irish Land Tenure, and which I promised, on the part of the Government, an opportunity of continuing.

MALTA—CIVILIAN GOVERNMENT.
QUESTION.

MR. ANDERSON asked the Under Secretary of State for the Colonies, If

Government has considered the policy of acceding to the desire of the Maltese for the appointment of a civilian governor on the retirement of the military governor next year, and for such reform in the constitution of the Council that it may have more of a representative character than it now has?

MR. J. LOWTHER: No official communication, Sir, upon this subject has been recently made to the Government, but the question has been brought forward from time to time. The conclusion at which we have arrived is that, having regard to the position of Malta as an important fortress, it would not be advisable to take any step in the direction indicated by the hon. Gentleman.

ARMY—LOCALIZATION OF THE FORCES.—QUESTION.

SIR ALEXANDER GORDON asked the Secretary of State for War, Whether any difficulties have been experienced in carrying into effect the scheme called the "Localization of the Forces," as regards the relief of battalions abroad by their linked battalions from home; and, if so, what steps have been taken in consequence?

MR. GATHORNE HARDY, in reply, said, that the Localization Scheme was not intended to be in full operation before the year 1879 or 1880. At present no difficulties had been experienced in this matter, but, if they should arise, it would, of course, be necessary to modify the scheme accordingly.

H.R.H. THE PRINCE OF WALES—THE NOBILITY OF MALTA.—QUESTION.

SIR GEORGE BOWYER asked the Under Secretary of State for the Colonies, What information has been received by the Government regarding the complaint of the Maltese nobility on the occasion of the visit of the Prince of Wales to Malta?

MR. J. LOWTHER: A letter has been received from the honorary secretary of the Committee of the Nobles of Malta repeating the complaint referred to by the hon. Baronet. This letter has been forwarded to the Governor, whose explanations have not yet been received. We have, however, received a despatch written by the Governor—in consequence of his attention having been drawn to a Question put to me a short time back

by the hon. Baronet—in which he explains that it had been originally intended that a number of addresses should be presented to the Prince of Wales, and that a high place had been assigned to the Nobles, which accorded with their desires as to the order of precedence. His Royal Highness, however, was unable to receive more than one address in person, and consequently the arrangements in question fell through. It was then suggested that the Nobles should take a prominent part in a procession formed in honour of the Prince, but this plan they declined to carry out, as the hon. Baronet is aware. He will, however, be glad to learn that several of the Nobility dined at the Palace to meet His Royal Highness, and others were present at an evening reception, and were presented by the Governor to the Prince. I need hardly add that Her Majesty's Government are most anxious to accord all proper respect to the Nobility of Malta so far as is consistent with their obligations to the rest of the community.

UNITED STATES—EXTRADITION TREATY—CASE OF EZRA WINSLOW. QUESTION.

SIR HENRY JAMES asked the Under Secretary of State for Foreign Affairs, Whether a Despatch from Mr. Fish, dated May 22nd, 1876, in relation to the extradition of Ezra Winslow, was received at the Foreign Office on June 6th; and, whether there is any objection to lay the same upon the Table of the House?

MR. BOURKE, in reply, said, a despatch of the nature referred to had been received at the Foreign Office, and it was the intention of Her Majesty's Government ultimately to lay it upon the Table of the House; but it would be premature to do so before the Government had given an answer to it, which they had not yet done.

ARTIZANS' DWELLINGS.—QUESTION.

MR. KAY-SHUTTLEWORTH asked the Secretary of State for the Home Department, Whether the Return, ordered on the 21st February, respecting steps taken under the Artizans' and Labourers' Dwellings Acts of last Session, is likely soon to be presented, and what has been the cause of the delay?

Mr. Anderson

MR. ASSHETON CROSS, in reply, said, that Returns on this subject had been received from the metropolis; but the reason why there had been a delay in the matter was, that they had not yet arrived from the sanitary authorities in the country.

PARLIAMENT — PRIVILEGE — POLITICAL COMMITTEE OF THE REFORM CLUB.—RESOLUTION.

SIR WILLIAM FRASER: Sir, a letter has been received by an hon. Member of this House which I hold to be a gross breach of Privilege. It is in the following terms:—

“Reform Club, Pall Mall, May 26th, 1876.

“Sir,—I am desired by the Political Committee to inform you that a statement has been laid before them (copy of which I enclose) showing the Party votes given by you during the Sessions 1874, 1875, and 1876, to which they would invite your serious consideration, as they are of opinion that it would be unfortunate if any proceedings should have to be taken under Rule 29 of the club.

“I am, Sir,

“Your obedient Servant,

“LEWIS MORRIS,

“Acting Secretary *pro tem.* of the Political Committee of the Reform Club.

“H. W. Ripley, Esq., M.P.

“21, Queen's Gate, S.W.”

Sir, I hold that to be a menace to a Member of this House, and a breach of the Privileges of this House, and as such I wish to address you on the point. No one looking at that letter can doubt that it contains a menace, although the menace may not be of great importance itself; but I think that as addressed to a Member of Parliament and a Member of this House it is of great importance to us. Had it not been for the opinion of others of greater experience than myself I should not have presumed to bring the matter forward; but it is our duty to protect Members of this House, and I think that I am justified on that ground in bringing it before the House. I can quite understand why it should not be brought forward by the hon. Member himself, who would naturally be loth to bring forward the names of the members of the Club who are his associates. I have had no communication with the hon. Member on the subject, as I have not the honour of his acquaintance; but I thought it right that the question should be brought under the notice of the House,

and I accordingly intimated to him that it was my intention to do so. It has been ruled for more than two centuries that interference with a Member of this House, so far as regards not only his votes, but also his speeches, is a breach of Privilege. In the reign of William and Mary it was so ruled; and a unanimous Resolution of the House was passed in 1733 pronouncing anything in the shape of an obstruction to Members coming to the House or a menace to them in consequence of their behaviour in this House, to be a gross breach of Privilege. I hold that that letter contains a distinct threat to a Member of this House. With the rules of the Reform Club I have nothing to do. If a club chooses to make rules, and a Member joins it, and subscribes to its rules, he must abide by them; he must abide by them so far as to submit to the pains and penalties which they impose. With that I have no right to interfere; but it is a very different thing when Members of this House are written to in this manner, and the privileges of this House are invaded. If an hon. Member be expelled from his Club, which a great writer has said is “the only vengeance of modern society,” if he be expelled for his votes, that is a question for him: but when it comes to a threat with respect to specific votes, then I hold that that involves a question of the Privileges of this House. In the case of Sir Robert Peel, who has been described by a great living authority as the greatest Member of Parliament that ever lived, a writer who had made offensive remarks on his speeches was brought before the Bar of that House. Now, Sir, I have merely this to say, and I will endeavour to be brief. If this letter now before us had come into my possession in any manner which was not the most formal, I should not have brought it forward; but the matter has been brought before the House, it has been brought before the public; it has been put into *The Times* newspaper, not at our suggestion, but by a Gentleman sitting opposite; and I think, under any circumstances, it is absolutely impossible to pass over this matter unnoticed. I have undertaken a disagreeable duty, and in doing so I may have omitted arguments; but I wish to consult the dignity of the House, I wish to follow the precedents of the House, and,

if I have done what I have done from a mistaken sense of duty, I hope the House will forgive me. I believe, as an observer and humble student of the law and practice of this House, that I have only done my duty. I have avoided all approach to personality: and as I fear that in what I have done I may have caused political discomfort to some Members of this House, I hereby personally and humbly beg their pardon. I wish to know, Sir, how far I shall be in Order in concluding with a Motion, not that this House do now adjourn, but on the matter on which I have addressed you?

MR. SPEAKER: The hon. Baronet having brought before the House a question of breach of Privilege, he is bound to submit to the House a Resolution; and he is also bound to produce for the consideration of the House the very letter which is said to have been written.

SIR WILLIAM FRASER: I think, under the circumstances, I will give my reason for not moving the opinion of this House upon this letter now, because I think it is desirable that more extended consideration should be given to it. I will therefore move that the writer of that letter, Mr. Lewis Morris, do attend at the Bar of this House on this day week.

MR. RIPLEY having risen to speak—

MR. SPEAKER: Does the hon. Member produce the letter himself which has been written? The letter from Mr. Morris should be produced and laid upon the Table of the House. At present there is no Question before the House; but I am prepared to submit the Question to the House if the hon. Baronet, in accordance with the ordinary practice of this House, having made a complaint, produces the document upon which he founds his complaint.

Letter given to the Clerk at the Table, and read accordingly.

MR. SPEAKER: Will the hon. Baronet be so good as to hand me the terms of the Resolution which he desires may be put from the Chair?

SIR WILLIAM FRASER advanced to the Table, and, having written the Motion, handed it to the Speaker.

Sir William Fraser

MR. SPEAKER: The Question is that Mr. Lewis Morris, the writer of the letter now read, do attend at the Bar of this House on Monday next.

Motion made, and Question proposed,

"That Mr. Lewis Morris, the writer of the said Letter, do attend at the Bar of this House on Monday next, at a quarter past Four of the clock."—(*Sir William Fraser.*)

MR. SERJEANT SIMON: Is not the letter that has been produced marked "private," as I believe it is; but, if not, will the hon. Gentleman produce the envelope to show whether that is marked "private?" ["No, no!"]

MR. SPEAKER: Before this matter is discussed, it is right, that I should state to the House that the hon. Baronet, in the exercise of his discretion, has thought it right to bring before the House a matter which he regards as a breach of the Privileges of the House. No doubt any menace addressed to any Member of this House, in such a manner as to interfere with his freedom of action as a Member of this House, is a breach of Privilege. Whether the menace which has been stated by the hon. Baronet is of such a character, it is for the House to decide.

MR. RIPLEY: When I came down to the House this evening, I was not aware that this Motion was to be brought forward by the hon. Baronet. It was by mere accident that the letter happened to be in my pocket, a friend of mine having asked me to show it him this morning. I should have been glad to lay before the House the list of my votes upon which that letter has been written, because, in my opinion, most of these votes have been stated, first by one side and then by the other, not to be Party votes. A great many of these votes have been repudiated by hon. Members on both sides of the House as Party votes. I am very sorry that a matter of a personal character should have been introduced into the House, and I will endeavour in dealing with it to be as short as I can. But I did feel that when that letter was sent to me it was something more than a question of a personal character, and I did send that letter to *The Times* newspaper, so that hon. Members of the House might be able to judge as to the character of the question at issue. I am not here to express any opinion on the subject. I can

only say that whatever the intention of the writer was, and whatever the influence of the letter upon me might be supposed to be, it never would weigh one straw or atom with me in any vote I might give. With reference to the letter, I may just further say that on the day following that on which those letters were published, I saw in *The Times* a letter purporting to be from a member of the Political Committee, in which he stated—of course, I speak from memory, but I believe I am correct—that my proposer and seconder, when I was elected to the Reform Club, had signed some document involving me in a certain political position. I immediately wrote to the Secretary of the Club, asking for a copy of that document, and the only reply I have received is that my request shall be laid before the Committee. But I may add this, that although being a Reformer, an honest Reformer, in the event of those gentlemen who proposed and seconded me being compromised by any action of mine, of course I should feel it my duty to retire from that Club.

SIR GEORGE BOWYER said, he, also, had received one of these letters, in the same terms as the letter which had been read to the House. He had also been furnished with a list of the votes he had given during the last two or three Sessions of which the Political Committee of the Reform Club disapproved, and they had called his attention to the votes, holding up the penal consequences which would follow if he persisted in his wicked and perverse course. He had given no answer whatever to that letter, not from any want of courtesy or respect to the Political Committee of the Club, or the Club itself, but because he did not see how he could answer it without compromising the Privileges of that House. The hon. Baronet opposite said that when a man became a member of a Club he was bound by the rules of that Club; but if he felt that becoming a member of that Club, he must vote according to the dictates of the Whig Whips, he should have felt it his duty to retire from the Club. But on a careful examination of the rules of the Club he found the only thing required was for a member to be a Reformer. What was a Reformer? He believed they were all Reformers. That was to say, they all desired to reform what required reform. If the Re-

form Club said to a man—"You do not belong to our Party, therefore we wish you to withdraw," nobody would wish to object to that; but when a Political Committee of a Club ventured to send to a Member of Parliament a list of votes given in this House, and called his attention to those votes, making him responsible to the Club for them, it was quite a different thing. If they allowed any authority but their constituents to call Members of that House to account for their votes, they could not tell where it would stop, and it was the beginning of a system which might prove extremely dangerous. He therefore thought that a Member was bound for the safety of the Privileges of the House to deny the right of any one other than his constituents to question his votes or to interfere with his action. The Party votes in his case included a vote as to the Royal Titles Bill. Could that be said to be a Party vote? Another vote was something about the Church of Scotland, in regard to which he voted in deference to the wishes of some Scotch friends. ["Order!"] He should not enter any further into that matter; but he maintained that it behoved the House to put a stop to any interference with the free exercise of the judgment of a Member of Parliament in that House. No doubt in some cases a man's comfort might, to some extent, depend on his belonging to a particular Club, and if he were exposed to expulsion it might exercise some influence on him; but the question was really one of Privilege, and the House ought not to allow the Privileges of its Members to be interfered with.

MR. DISRAELI: It is very difficult to define what is a menace which may influence our votes in Parliament. Now, for example, suppose there is an article in a newspaper finding fault with your votes and saying that you have to give an account of them to your constituents, is that a menace? If so, it is a menace we receive almost every day of our lives. Therefore, the House will see that in questions of this kind they must not decide too hastily. I should have been very glad if you, Mr. Speaker, with your high authority, had at once settled the character of this question. My own opinion is, that if you take a technical view of the interpretation of our Rules, you may lay down certainly that this is an interference with our Privileges, as many things are which we

pass over, and wisely pass over. But with regard to the act itself, it appears that a Club of much distinction in the political world has a Political Committee as well as a General Committee. I do not know that I belong to a Club that has a Political Committee; and if I did I should view it with some alarm. I believe that Political Clubs form the machinery by which a great deal of money is spent and great offence is given to our friends in the country, with whom they are supposed unnecessarily and improperly to interfere. I think my hon. Friend the Member for Kidderminster was certainly authorised in bringing this matter before the House; but I am bound to say that he did not consult me on the subject. The letter in question has been written to a Member who certainly is much respected in this House; and I have always understood that the hon. Member for Bradford—who, if he has a bias in his political opinions, is decidedly Liberal—exercises his judgment as independently as any Member of the House. I should say that in the present instance it would not be wise to press this matter. A great indiscretion has, in my opinion, been committed by the Political Committee of the Reform Club, and I think this public notice will prevent its repetition, or that, if repeated, it will probably prove harmless. I should be glad, therefore, if my hon. Friend the Member for Kidderminster did not proceed with his Motion. If he does, I shall, without giving any decided opinion on the issue before us, meet it by moving the Previous Question.

THE MARQUESS OF HARTINGTON: I have very little to add to the very sensible advice which, in my humble opinion, has been offered to the House by the right hon. Gentleman who has just sat down. The hon. Baronet the Member for Kidderminster (Sir William Fraser) appears to be anxious to emulate the distinction gained in this House last Session by the hon. Member for Londonderry (Mr. C. Lewis), and to induce the House to follow him in the same not very profitable discussion on questions of Privilege. But I think the House, although it was last Session entrapped by the hon. Member for Londonderry into this rather difficult and delicate question, from which it has not emerged with very great credit, will on this occasion be wiser, and will, without much further consideration, decline

to follow the hon. Member for Kidderminster into the course he proposes to lead them. There is only one observation of the right hon. Gentleman opposite the Prime Minister as to which I find it necessary to offer a word of protest. The right hon. Gentleman considers that an act of great indiscretion was committed by the Political Committee of the Reform Club. Now I certainly do not feel myself called upon to defend the conduct of that Political Committee; but I believe that political Clubs are institutions which are of very great convenience and advantage to Members sitting on both sides of this House; and I do not feel convinced, without giving this matter further reflection, that it may not be necessary, under certain circumstances, for these institutions to take steps for preserving their political character in the way that has been done in this instance. It is perfectly true, as the right hon. Gentleman has stated, that, viewed in a certain sense, this may be a breach of Privilege; but the hon. and learned Baronet the Member for Wexford has, I think, taken a very sensible view of the case when he said that he quite admitted the right of the Reform Club or any other Club to indicate to any Gentleman that, as he no longer shared in the opinions which the Club was instituted to promote, they would prefer that he should tender his resignation. I am quite sure from what I have heard of that letter that there was no intention on the part of the Political Committee of the Reform Club to do more than that. The divisions in which the hon. Member for Bradford had taken part were pointed out to him in as polite a manner as possible, in order to show him that his political opinions were no longer in unison with those of the majority of the Members of the Club. I do not know that any more agreeable way could have been taken of communicating to the hon. Member the desire of the Committee that he should no longer remain a member of the Club. Breaches of Privilege like this are committed every day. ["No, no!"] I do not know that a Member's constituents have any more right than anyone else to call him to account; but I fancy there are very few hon. Members of this House who do not receive on many occasions in the course of their Parliamentary career expressions of opinion either of approval or disapproval

from the constituency they represent. I trust the hon. Baronet the Member for Kidderminster will not think it necessary to persevere and put the House to the trouble of a division on the question he has raised. If he does I shall vote for the Previous Question, which the right hon. Gentleman at the head of the Government has announced his intention to move.

MR. CHARLES LEWIS said, he could not help thinking that the consciences of some noble Lords and right hon. Gentlemen on the front and Opposition benches were rather severely pricked by the transaction of last Session to which they were so continually referring. He might say with respect to questions of Privilege generally, if the persons who broke the Privileges of the House were a little more careful of their own conduct they would not have occasion to complain of those who took notice of those breaches of Privilege. That was not the first time the noble Lord had thought it proper to refer to the course which he (Mr. Lewis) had taken last Session. It was only right, however, that he should remind the House, in defence of himself, who had been so unnecessarily drawn into that discussion, that many hon. Gentlemen in that House, and many public authorities out of the House, forgot the ground on which he ventured to bring the matter forward. It was in defence of individual private character of an hon. Member which was dear to Members on whichever side of the House they sat. But it was thought proper by hon. Members on the other side of the House to throw a cloud over the question he raised by introducing the question of interfering with the liberty of the Press, while the motive that was actuating him was the defence of the liberty of the subject and private character. He was not going to interfere in the present debate, but he did humbly protest against being made the butt of the noble Marquess, and that upon every occasion when the House got into a difficulty as to a question of privilege he should bring him (Mr. Lewis) forward. He ventured to say further, although the noble Marquess, with reference to the particular subject under discussion, had ventured to inform the House that that sort of thing was done every day, he had had the honour and pleasure of belonging

to Political Clubs for 20 years, and he had never known it done in his own case, although he was a great sinner on the point of independence. If the political independence, which the Liberal Party claimed to have initiated, was to exist, the noble Marquess would find in the time to come that it was likely to find several exponents in his own ranks, and the noble Lord, as the Leader of a great and distinguished Party—the Liberal Party forsooth—would not be promoting Liberal principles generally by enunciating such views as he had that day, especially if he maintained that that action on the part of the Committee of the Reform Club, which was only taken once in half-a-century, was taking place every day. He maintained that in that Reformed House of Commons, elected under universal household suffrage, they might look, day after day, and year after year, for more independence of action on the part of Members of that House instead of less. He should feel himself an unworthy Member, with regard to his constituency, if he were afraid of being called in question by the Committee of the Carlton Club, because he had voted against Her Majesty's Government on several occasions. He should feel sorry indeed—and he thought the House and the Government would think less of him than they did—if he were to trail his vote in the dust behind any Government, despite the suggestion of the noble Marquess who might think that such a thing was done every day. The noble Lord could hardly have meant what he said. If such things were done they must have been done in secret and not in public. He thought the hon. Baronet the Member for Kidderminster had done a great public service to both Parties in the House by exposing this action on the part of a Political Club, which, however useful it might be in filling up vacancies in the representations of constituencies, was not the proper tribunal to go through the division lists, and to call Members to account for the votes given in that House.

MR. HERSCHELL, as a private Member of the House, wished to express his regret that the question had been brought forward, and to say that he did not think there had been any breach of Privilege at all, or even a menace, otherwise it would seem to go forth that whenever

if I have done what I have done from a mistaken sense of duty, I hope the House will forgive me. I believe, as an observer and humble student of the law and practice of this House, that I have only done my duty. I have avoided all approach to personality: and as I fear that in what I have done I may have caused political discomfort to some Members of this House, I hereby personally and humbly beg their pardon. I wish to know, Sir, how far I shall be in Order in concluding with a Motion, not that this House do now adjourn, but on the matter on which I have addressed you?

MR. SPEAKER: The hon. Baronet having brought before the House a question of breach of Privilege, he is bound to submit to the House a Resolution; and he is also bound to produce for the consideration of the House the very letter which is said to have been written.

SIR WILLIAM FRASER: I think, under the circumstances, I will give my reason for not moving the opinion of this House upon this letter now, because I think it is desirable that more extended consideration should be given to it. I will therefore move that the writer of that letter, Mr. Lewis Morris, do attend at the Bar of this House on this day week.

Mr. RIPLEY having risen to speak—

MR. SPEAKER: Does the hon. Member produce the letter himself which has been written? The letter from Mr. Morris should be produced and laid upon the Table of the House. At present there is no Question before the House; but I am prepared to submit the Question to the House if the hon. Baronet, in accordance with the ordinary practice of this House, having made a complaint, produces the document upon which he founds his complaint.

Letter given to the Clerk at the Table, and read accordingly.

MR. SPEAKER: Will the hon. Baronet be so good as to hand me the terms of the Resolution which he desires may be put from the Chair?

SIR WILLIAM FRASER advanced to the Table, and, having written the Motion, handed it to the Speaker.

Sir William Fraser

MR. SPEAKER: The Question is that Mr. Lewis Morris, the writer of the letter now read, do attend at the Bar of this House on Monday next.

Motion made, and Question proposed,

"That Mr. Lewis Morris, the writer of the said Letter, do attend at the Bar of this House on Monday next, at a quarter past Four of the clock."—(*Sir William Fraser.*)

MR. SERJEANT SIMON: Is not the letter that has been produced marked "private," as I believe it is; but, if not, will the hon. Gentleman produce the envelope to show whether that is marked "private?" ["No, no!"]

MR. SPEAKER: Before this matter is discussed, it is right, that I should state to the House that the hon. Baronet, in the exercise of his discretion, has thought it right to bring before the House a matter which he regards as a breach of the Privileges of the House. No doubt any menace addressed to any Member of this House, in such a manner as to interfere with his freedom of action as a Member of this House, is a breach of Privilege. Whether the menace which has been stated by the hon. Baronet is of such a character, it is for the House to decide.

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to follow the hon. Member for Kidderminster into the course he proposes to lead them. There is only one observation of the right hon. Gentleman opposite the Prime Minister as to which I find it necessary to offer a word of protest. The right hon. Gentleman considers that an act of great indiscretion was committed by the Political Committee of the Reform Club. Now I certainly do not feel myself called upon to defend the conduct of that Political Committee; but I believe that political Clubs are institutions which are of very great convenience and advantage to Members sitting on both sides of this House; and I do not feel convinced, without giving this matter further reflection, that it may not be necessary, under certain circumstances, for these institutions to take steps for preserving their political character in the way that has been done in this instance. It is perfectly true, as the right hon. Gentleman has stated, that, viewed in a certain sense, this may be a breach of Privilege; but the hon. and learned Baronet the Member for Wexford has, I think, taken a very sensible view of the case when he said that he quite admitted the right of the Reform Club or any other Club to indicate to any Gentleman that, as he no longer shared in the opinions which the Club was instituted to promote, they would prefer that he should tender his resignation. I am quite sure from what I have heard of that letter that there was no intention on the part of the Political Committee of the Reform Club to do more than that. The divisions in which the hon. Member for Bradford had taken part were pointed out to him in as polite a manner as possible, in order to show him that his political opinions were no longer in unison with those of the majority of the Members of the Club. I do not know that any more agreeable way could have been taken of communicating to the hon. Member the desire of the Committee that he should no longer remain a member of the Club. Breaches of Privilege like this are committed every day. ["No, no!"] I do not know that a Member's constituents have any more right than anyone else to call him to account; but I fancy there are very few hon. Members of this House who do not receive on many occasions in the course of their Parliamentary career expressions of opinion either of approval or disapproval

with the question, he found the utmost excitement. He found there was great opposition, proceeding not merely from his own Friends, and not confined to his own side of the House, but also including many of his habitual opponents. A feeling was expressed on the part of the House of Lords which made it impossible to doubt that the fate of the Bill would be different from what it was in 1874. Outside the House that sentiment was, I may say, even stronger. Influential classes, supposed to be particularly capable of offering an opinion upon this question, had made themselves heard. Ireland and Scotland had expressed their sentiments in a manner which could not be misunderstood; and in every way in which a Government can learn what opinion is, we found that we were on very dangerous ground if we contemplated settling the question of Judicature Reform, and of carrying this considerable change in a manner which would recommend itself to the unanimous feelings of the country. The result was, that Her Majesty's Government withdrew the Bill which they had brought forward in 1875, and which had passed through the House of Lords in 1874. There certainly did, from that proceeding, at one moment appear to be a disastrous and dismal chance of the great changes which had to be accomplished being postponed for a considerable time; but, as it was, we succeeded in passing a short Bill, which delayed for another year the operation of Lord Selborne's Act. Well, we felt it our duty this year to consider what we ought to recommend to Parliament on this subject, for it appeared to us that it could no longer be neglected. The delay which had occurred in the formation of the High Court of Justice, provided for by the Bill of Lord Selborne, being in itself a grievous calamity. We had to consider, in the first place, what were the principles upon which the High Court of Final Appeal should be established, and we had to reconcile, if possible, the establishment of such a Court with its remaining in the House of Lords. We laid down four considerations—I believe I may call them principles—for our regulation. First of all we were of opinion that the Final Court of Appeal should be similar for the United Kingdom—namely, that it should be the same for England, Ireland, and Scotland. Second-

ly, we felt that we must provide that it should be an adequate Court—adequate in learning and trained intelligence, and in the high authority and character of its members. Thirdly, we felt that the Court ought to be a continuous Court—that its sittings ought to be continuous during the whole period of the legal year; and, fourthly, it was our opinion that we ought to regulate the expenditure of the Court and to obtain as economical an administration of justice as was possible. These were the points which we had before us, and these are the points which we have endeavoured to provide for, among other matters, in this Bill. With regard to the first point, what we propose in this Bill is that the Court of Ultimate Appeal shall remain in the House of Lords. We propose that a certain number of the Members of that House shall be Lords of Appeal. The Lord Chancellor will, of course, be one, and all Members of the House who have filled that exalted position will be Members of the Court, as will all other Peers who have filled judicial posts of a high character. Besides this, we propose that there shall be two Lords of Appeal in Ordinary, chosen from the Bench or from the learned Bar, who shall be summoned to Parliament as Barons, who shall exercise their privileges as Barons while they hold these offices, and who when they have ceased to hold them will still possess the rank. We propose that they shall receive a salary superior to that of a Puisne Judge, but inferior to that received by the Chiefs of the Benches. We believe that in this way we shall certainly secure a tribunal similar for the United Kingdom. We believe, also, that we shall secure an adequate Court—a tribunal which, by its learning, skilled intelligence, and weighty character, will command confidence and respect. We further propose that at no time—although there will doubtless be many instances when the attendance will be greater—shall any cause be heard by fewer than three Lords of Appeal. We believe that these proposals will secure a similar Court and an adequate Court: and now I have to consider the question of the continuity of the sittings. We have provided in this Bill that that continuity shall be secured by enacting that the Lords of Appeal shall sit during the Prorogation of Parlia-

a transaction of the sort took place the time of the House might be taken up with it, and an attempt of a Political Club to enforce its regulations would be made the subject of discussion in that House. He would state why, in his opinion, the matter now complained of was no breach of Privilege. If it appeared that this letter had been written for the purpose of compelling a member of the Club, who was also a Member of that House, to vote in a particular way in future, that would be a breach of Privilege; but it must be perfectly obvious to everyone that what was intended was to call attention to the fact that this was a Political Club, and that if a member of it had ceased to belong to that political Party he should also cease to belong to that Club, as his views were no longer in accordance with the views of the members or with the fundamental purposes for which the Club was founded. The Committee, therefore, only said — “Judging from certain evidence with which we supply you”—which could have been the only purpose in sending the votes—“that you are no longer in accord with the political views of this Club, we leave it to your consideration whether you will retire or leave us to take such steps as the situation and the constitution of the Club requires us to take.” If that was what was meant, and nobody could doubt that that was meant, how could it be said that this was a breach of Privilege? He must protest against the notion that calling the attention of a Member of that House, who was also a member of a Political Club, to the fact that his political views had changed, and asking him whether he could remain any longer a member of the Club, was a breach of Privilege. He trusted that would be the view taken by this House, and that they might not have such discussions in future.

SIR WILLIAM FRASER said, he could not agree with the noble Lord the Leader of the Opposition. He (Sir William Fraser) maintained that that was not a parallel case with that brought forward by the hon. Member for Londonderry (Mr. C. Lewis) last year. He thought it a special question, and one well deserving the consideration of the House. It did not refer to anything which had been written in a newspaper.

Mr. Herschell

He was anxious to avoid a precipitate expression of opinion by the House on the subject, and that was the reason he had not moved that it was a breach of Privilege. He was satisfied with the discussion that had taken place, and, with the permission of the House, would withdraw his Motion.

Motion, by leave, *withdrawn*.

APPELLATE JURISDICTION BILL.

[*Lords.*] [BILL 111.]

(*Mr. Attorney General.*)

SECOND READING.

Order for Second Reading read.

MR. DISRAELI, in moving that the Bill be now read a second time, said:—It may be, Sir, for the convenience of the House that I should state briefly the circumstances which have preceded the introduction of this measure. Some four years have passed since the Government of the day, in the person of Lord Chancellor Hatherley, brought into the other House of Parliament a Bill transferring the Appellate Jurisdiction then in the House of Lords to another tribunal. Upon that occasion my noble and learned Friend (Lord Cairns) felt it to be his duty to oppose that Bill. Lord Cairns, I need not remind the House, at the time had given the best and strongest proofs to the country of his earnestness and sincerity in the cause of Judicature Reform, and he was one of the most eminent Members of the Judicature Commission. He was perfectly sensible of the anomalies and inconveniences which attended the Appellate Jurisdiction of the House of Lords as it existed four years ago; but, although he was prepared to make every sacrifice for the better administration of justice, which must ever be looked upon as one of the principal concerns in political life, he wished to secure that object without losing the traditionary influence which exercises so strong, and, I believe, so salutary, an influence on the conduct and character of the English people. He met Lord Hatherley's measure by moving, as an Amendment, that a Select Committee be appointed, and having succeeded in that Motion, he took the opportunity, before that Committee, of giving an exposition of his views and the means by which the combination

which he desired to see carried out might be attained—namely, the combinations which would secure a satisfactory administration of justice so far as an Ultimate Court of Appeal was concerned, without losing the great weight and authority which the House of Lords possessed. I am bound to say that on that occasion the most candid treatment was experienced by my noble and learned Friend from the late Government. Lord Hatherley and Lord Ripon, who represented that Government on the Committee, finding there was no chance of carrying their original measure, gave to the plan proposed by Lord Cairns their earnest and, I believe, unexceptional support; yet, notwithstanding all that support, the consequence was that in a Committee formed of the most eminent men—men the most distinguished for their knowledge of the subject—there was ultimately great division of opinion. Now, the House must be perfectly aware that under such circumstances there is but little chance for legislation on any subject. It is hardly possible in this country to carry any great change, unless you have the support of powerful public opinion; and when the most eminent authorities seem to differ and be discordant, public opinion is perplexed and becomes inert. The consequence was that in the years from 1870 to 1872 nothing was done on this subject, although there were great complaints in the public mind of the anomalies and deficiencies of the system of Judicature, so far as the question of a Final Court of Appeal was concerned; while, I believe, justice was never done to the great learning, ability, and authority of the House of Lords. In the following year, Lord Selborne succeeded Lord Hatherley as Lord Chancellor, the latter noble and learned Lord retiring on account of his infirmity, the same Government still remaining in office. Lord Selborne had for a long time been one of the most distinguished Members of this House; he and Lord Cairns were both Members of the Judicature Commission, and I think we must say whether we regard their abilities, their great experience, and learning, or the profound sentiment which influences them with respect to the great question of improving our Judicature, they certainly must be regarded as not the least eminent Members of the celebrated

Judicature Commission. Well, Lord Selborne introduced, in 1873, a comprehensive measure, in which he attempted to deal with all the main recommendations of that Commission. He thought it necessary—and so far as his original idea went I believe he was right—to deal at the same time with the question of Final Appeal to the House of Lords, so that his measure, if carried, would have produced a great change and have embodied altogether those views of the famous Judicature Commission on which he had laboured so long, and with whose recommendations the public mind had become, to a great extent, familiar. Lord Cairns was then placed in a very delicate and difficult position. He was as anxious as Lord Selborne that a great reform of our Judicature should be effected; but his opinion on the proposition of that noble and learned Lord for transferring final appeals from the House of Lords to some other tribunal remained the same. He was opposed to that proposal, and there were other points in the measure of Lord Selborne which he did not view with extreme favour. At the time I am speaking of—1873—the most complete apathy prevailed in the House of Lords on a question which was intimately connected with its Privileges; nor was there out-of-doors any particular feeling on the subject. Any opposition at the time to the measure of Lord Selborne, had it been successful, would naturally have inflicted a severe blow upon Judicature reform. His Bill was not a complete measure; it required supplementary legislation, and any display of hostility or Party feeling excited on a subject which of all others demanded the expression of temperate opinions and of convictions swayed by no other considerations than those arising out of the learning and policy and justice of the case, would have created such a feeling that it is very possible that any measures intended to complete the scheme of Lord Selborne would encounter considerable difficulties; and Lord Cairns, perceiving that the cause of Judicature reform generally might be imperilled, and, in fact, at the moment was imperilled, determined to sacrifice the opinions he entertained on particular points, in order to facilitate the carrying of Lord Selborne's Bill. That measure, so far as it dealt with the Appellate Jurisdiction of the House of Lords, was

confined to appeals in this country. Appeals in England were transferred to another tribunal; but the Bill did not touch on that occasion on the case of appeals from Scotland or Ireland. They were left to be dealt with in a Bill which was to be introduced the next year. The Bill of Lord Selborne was passed unanimously by the House of Lords; there was certainly, I believe, no division upon it, and it became the law of the land. It dealt, as I have said, only with appeals from England; it did not include a tribunal for intermediary appeals, which was advocated by Lord Cairns, and it left some points in the recommendations of the Judicature Commission untouched from motives of convenience. It became, as I have said, the law of the land; but, although it passed in 1873, it was not to come practically into operation until November, 1874. Meantime, at the beginning of 1874, a Dissolution of Parliament occurred, which resulted in a change of Ministry, and the first consideration of the new Government was how they were to deal with this great question of Judicature reform, which was not completed by the measure of Lord Selborne, and certainly not in one of its most important parts—that of establishing a tribunal of Ultimate Appeal. The opinions of his Colleagues with respect to the authority of the House of Lords were entirely in accordance with those of Lord Cairns. They believed, as he believed, that if the due administration of justice could be combined with a traditionary influence, such as that exercised by the House of Lords, it would be desirable to secure that object. There was, however, the immense incongruity to be taken into account of having one tribunal of final appeal for England and a different one for Scotland and Ireland. After due consideration, therefore, and with a full sense of the responsibility of their position, they felt it to be their duty to introduce a measure on the same lines so far as related to the Court of Ultimate Appeal as those which had been laid down by Lord Selborne, and consequently Lord Cairns, in 1874, introduced a measure into the other House of Parliament which proposed to transfer the Irish and Scotch appeals from the House of Lords to the new tribunal which had been devised by Lord Selborne, and which was to come into existence in the No-

vember of that year. Lord Cairns, at the same time, introduced provisions for the establishment of a tribunal of intermediary appeal, and dealt with points in the recommendations of the Judicature Commission, which had been purposely omitted for the sake of convenience by Lord Selborne in the previous year. Hon. Gentlemen will remember that the Session of 1874 was curtailed of its fair proportions. A Dissolution of Parliament, a General Election, and the formation of a new Ministry are circumstances which, I think, must diminish the Session by nearly one-third of its duration. In addition to that, one of those questions which are not introduced by a Government, but round which the feeling and passion of a nation occasionally and almost periodically cluster was introduced into the other House by a distinguished Prelate, the Public Worship Regulation Bill; which being sent down to this House was moved by a private Member, so engrossed the attention and time of the House that it would have been impossible to introduce the measure sent down from the House of Lords, which measure, if it had been then passed, would have concluded the question of the whole fabric of our Judicature, and entirely settled the issue of Ultimate Appeal. When Parliament met at the beginning of last year we had to consider what course we should take with regard to this question, which had not been settled owing to the circumstances to which I have referred. We could not help remembering, in coming to a decision, that the Bill introduced by Lord Cairns in 1874 had passed through the House of Lords almost unanimously, and that the Appeal was already taken from the House of Lords as regarded all English cases. We, therefore, felt it was our duty, and at the same time only respectful to the House of Lords, that the same Bill which they had unanimously passed in 1874 should again be presented for their consideration. But it so happened that in the interval a considerable revolution had occurred in the opinion of the House of Lords itself and of powerful Parties outside that House. The subject had been deeply considered and acutely felt, and instead of that state of perfect apathy which was originally found to prevail by the present Lord Chancellor when he had to deal

with the question, he found the utmost excitement. He found there was great opposition, proceeding not merely from his own Friends, and not confined to his own side of the House, but also including many of his habitual opponents. A feeling was expressed on the part of the House of Lords which made it impossible to doubt that the fate of the Bill would be different from what it was in 1874. Outside the House that sentiment was, I may say, even stronger. Influential classes, supposed to be particularly capable of offering an opinion upon this question, had made themselves heard. Ireland and Scotland had expressed their sentiments in a manner which could not be misunderstood; and in every way in which a Government can learn what opinion is, we found that we were on very dangerous ground if we contemplated settling the question of Judicature Reform, and of carrying this considerable change in a manner which would recommend itself to the unanimous feelings of the country. The result was, that Her Majesty's Government withdrew the Bill which they had brought forward in 1875, and which had passed through the House of Lords in 1874. There certainly did, from that proceeding, at one moment appear to be a disastrous and dismal chance of the great changes which had to be accomplished being postponed for a considerable time; but, as it was, we succeeded in passing a short Bill, which delayed for another year the operation of Lord Selborne's Act. Well, we felt it our duty this year to consider what we ought to recommend to Parliament on this subject, for it appeared to us that it could no longer be neglected. The delay which had occurred in the formation of the High Court of Justice, provided for by the Bill of Lord Selborne, being in itself a grievous calamity. We had to consider, in the first place, what were the principles upon which the High Court of Final Appeal should be established, and we had to reconcile, if possible, the establishment of such a Court with its remaining in the House of Lords. We laid down four considerations—I believe I may call them principles—for our regulation. First of all we were of opinion that the Final Court of Appeal should be similar for the United Kingdom—namely, that it should be the same for England, Ireland, and Scotland. Second-

ly, we felt that we must provide that it should be an adequate Court—adequate in learning and trained intelligence, and in the high authority and character of its members. Thirdly, we felt that the Court ought to be a continuous Court—that its sittings ought to be continuous during the whole period of the legal year; and, fourthly, it was our opinion that we ought to regulate the expenditure of the Court and to obtain as economical an administration of justice as was possible. These were the points which we had before us, and these are the points which we have endeavoured to provide for, among other matters, in this Bill. With regard to the first point, what we propose in this Bill is that the Court of Ultimate Appeal shall remain in the House of Lords. We propose that a certain number of the Members of that House shall be Lords of Appeal. The Lord Chancellor will, of course, be one, and all Members of the House who have filled that exalted position will be Members of the Court, as will all other Peers who have filled judicial posts of a high character. Besides this, we propose that there shall be two Lords of Appeal in Ordinary, chosen from the Bench or from the learned Bar, who shall be summoned to Parliament as Barons, who shall exercise their privileges as Barons while they hold these offices, and who when they have ceased to hold them will still possess the rank. We propose that they shall receive a salary superior to that of a Puisne Judge, but inferior to that received by the Chiefs of the Benches. We believe that in this way we shall certainly secure a tribunal similar for the United Kingdom. We believe, also, that we shall secure an adequate Court—a tribunal which, by its learning, skilled intelligence, and weighty character, will command confidence and respect. We further propose that at no time—although there will doubtless be many instances when the attendance will be greater—shall any cause be heard by fewer than three Lords of Appeal. We believe that these proposals will secure a similar Court and an adequate Court: and now I have to consider the question of the continuity of the sittings. We have provided in this Bill that that continuity shall be secured by enacting that the Lords of Appeal shall sit during the Prorogation of Parlia-

ment, and that they shall hear every issue which has been entered on their record previous to that Prorogation. The fourth point—namely, the attainment, if possible, of a more economical administration of justice—is a subject more difficult to deal with. In the first place, the expenditure on a cause before the House of Lords arises mainly from three causes. First of all, it arises from the fees of the Court; secondly, from the great expenditure incurred by every document being printed which is placed before the Lords of Appeal; and, thirdly, from the cost for professional remuneration. With regard to the fees of the House of Lords, as far as I am informed and can learn, they in no way differ from the fees which are levied in our other important Courts; and certainly no reduction in them would sensibly influence the cost of the suit. With regard to the second point, there is no doubt that the expenditure occasioned by printing all the documents which are placed before the Lords of Appeal is very great. But when we remember how the clearness of a man's judgment is assisted when he reads a printed instead of a manuscript document, and how much the perspicuity of his intellect and his quickness of perception are promoted and assisted by such conditions; and when we remember the great—I might almost say the awful—responsibilities that attends a Judge who is deciding in Ultimate Appeal, I think we should hesitate before we sanction, for the sake of economy, the recourse merely to manuscript documents. Hon. Members can judge from their own experience when they have to read Blue Books and Reports of Evidence before Committees how their studies are facilitated by having printed documents. Therefore, I cannot hold out any expectation that there will be a reduction of expenditure by altering the existing system. I will now say a few words about professional remuneration, although it is a subject beyond legislation. A suitor will obtain, if he can, as his advocate the man most distinguished for eloquence, learning, and acuteness. He will have the best representative and the best adviser, and in order to have them he will take care that the remuneration which he offers is at least not inferior to that which would be offered by another suitor. That will go on, notwithstanding any sumptuary laws re-

specting remuneration which we might pass. We might as well attempt to pass a law that a portrait painter should not receive more than a certain sum for his portrait, and then suppose that Vandyke—I will not mention any living artist—would always receive, in consequence of that law, the same remuneration. This is a subject of expenditure which, of course, we must leave to the House of Parliament in which these proceedings take place; but it is due to the House of Lords and to the Bill which I am now asking the House to read a second time to state that no effort has been omitted to diminish the cost of these proceedings. A Committee of the House of Lords met to consider the question generally, and a permanent Appeal Committee, of which the Lords of Appeal will be Members, has been appointed to, continuously during the Session, review the expense and observe the course and progress of these proceedings. My own opinion, if I may presume to give it, is that after all the best security for cheap justice is prompt justice. It is not the amount of the fees of the Court; it is not the costliness of the proceedings, even if the documents are printed; it is not the professional remuneration that causes the extraordinary expense sometimes incurred by those who are suitors: but it is the delay—it is the fact that arrears are perpetually accumulating. I have now placed before the House the outline of the scheme which they will find in this Bill for the formation of a Court of Final Appeal. It will consist of many *ex officio* Members, the Lord Chancellor, those who have filled the office of Lord Chancellor, men who have filled high judicial offices, and of two Lords of Appeal in ordinary. A Tribunal adequate in learning will always be secured by making three a quorum. The sittings will be continuous during the whole of the legal year, and every effort will be made to reduce and regulate the expenditure. When we lay it down as of great importance that the Tribunal of Ultimate Appeal should be similar to the whole of the United Kingdom, the House I know will feel the incongruity that, while you are making great efforts and great sacrifices to attain this result, there are still millions, and many millions, of Her Majesty's subjects, in her Indian Empire and in her other numerous Dependencies, who when they appeal to Her

Majesty do not appeal to Her Majesty in either of the Houses of Parliament, but appeal to Her Majesty in Council. And there seems at first some inconsistency in our making sacrifices to obtain a similar tribunal of appeal for the United Kingdom, and leaving the appeals from India and the colonies to be addressed to another tribunal. Therefore, Her Majesty's Government are of opinion that it is a matter of great importance that some connection should be established between the House of Lords as regards the subject of final appeal and the Committee of Privy Council. The Committee of Privy Council consists of many *ex officio* Members, of men of very great learning and distinction. It also consists, under a comparatively modern Act, of four salaried Members, who are, of course, Privy Councillors, and who generally decide the appeals in the Privy Council. When a vacancy occurs by death or resignation among these four salaried Privy Councillors no successor can be supplied to them by Her Majesty. It is provided by the Act that we must come again to the Legislature upon the subject; and, therefore, when we are dealing with this question, that is a consideration which the House should bear in mind. What we propose is this—that, whenever there are two vacancies among the four salaried Privy Councillors, a third Lord of Appeal in the House of Lords should be appointed, and that when, either by death or resignation, there are again two vacancies among the salaried Privy Councillors, a fourth Lord of Appeal in the House of Lords should be appointed. And when that is consummated, we propose that the appeals in the House of Lords and in the Privy Council shall be decided by the same individuals, and the duties of the four Lords of Appeal will be in both Courts, if I may use the expression. It will be a Tribunal divided into two Courts. After that statement the House will naturally like to know what chance or rather what certainty there is if such a change is agreed to, that we shall be able to provide sufficiently for the administration of justice, and yet terminate those arrears of which we have heard so much. As far as I can learn, the average of the cases in the House of Lords and in the Committee of the Privy Council together may be taken at 250. Certainly 300 would, I think, be a safe, but at the

same time a somewhat exaggerated calculation. But we will take the number of 300. The legal year consists of 200 days, and the House will, therefore, see that if this arrangement is acceded to the four Lords of Appeal, assisted frequently, of course, by the *ex officio* Members, will easily, I might say completely, transact the business of appeal of the country in the year, so that we may look forward to a state of affairs which will not admit of arrears. It may be asked, if this will be a desirable arrangement and an effective one, as I believe it will be, why do you not propose that it should at once come into operation? Well, no doubt, logically that ought to be our course, but I believe it is a rule of Parliament never to be logical in legislation. The Committee of Council has a high reputation. It possesses, deservedly, the confidence of the Empire and of the suitors. It transacts at this moment its business with unrivalled efficiency, while in the House of Lords there is no want at the present moment of men of great learning who act as *ex officio* Lords of Appeal. Probably there never was a time in which the House of Lords has been so distinguished as at present for its legal accomplishments and erudition. And, therefore, we have thought it would be better to leave this great change to the course of time rather than to make a violent alteration which might perplex and alarm those who are accustomed to look with confidence to the Committee of the Privy Council. Besides, there is a great disadvantage in forcing a sudden change upon the Bench or Bar. So far I have confined myself to the main business of this Bill, and have explained to the House its purport, as far as regards the institution of a Final Court of Appeal. If the House will consent to pass this measure, we shall have secured what we always look upon as a great object—namely, similarity of appeal for the whole of the United Kingdom, and ultimately for the whole Empire. We shall have provided a Court adequate for the transaction of the business that will come before it, and inferior, probably, to none that ever existed in learning and character; we shall have terminated one of the just causes of complaint in this country—namely, the sudden termination of otherwise satisfactory labours by a prorogation of Parliament; we shall have pro-

the view that the House of Lords should retain its power as an Appellate Court, and that there should be a Court of Intermediate as well as of Final Appeal. When the Measure of 1873 came before the House, the right hon. Gentleman himself had most clearly expressed opinions with reference to it which coincided with those held by Lord Cairns. In fact, the whole responsibility of the measure of 1873 must be shared by Lord Cairns as well as the Government of that day, and by the right hon. Gentleman. If Lord Cairns's views were such as were then described, he had a majority in the House of Lords which could have given effect to them, and there was no reason why he should have yielded his opinion. It was strange, therefore, that the House should be now told that Lord Cairns and the right hon. Gentleman himself had always been opposed to depriving the House of Lords of its Appellate Jurisdiction, and in favour of the establishment of an Intermediate Court of Appeal. But not only were the views to which he had referred entertained by the Lord Chancellor and by the right hon. Gentleman in 1873, but they were embodied in the Bills introduced, upon the responsibility of the present Government, with the same majority as they now have, in 1874 and 1875, which provided for the transfer of the Appellate Jurisdiction of the House of Lords to a new Court of Final Appeal, and made no provision for the establishment of an Intermediate Court of Appeal. Now came the influences to which reference had been made. His hon. Friend the Member for Salford (Mr. Charley), having nothing else to do in the Long Vacation, concluded an alliance with the hon. Baronet the Member for Wexford (Sir George Bowyer), and forming a Committee in St. James's Place, they brought into play that amount of public opinion which influenced Her Majesty's Government in coming to a decision. [Sir GEORGE BOWYER: Hear, hear!] Of course, it was satisfactory to the hon. Baronet to find he was able to change the opinions of Lord Cairns and of the Prime Minister, and so to effect a change in the character of their Bill. He (Sir Henry James) was not prepared to criticize what had in this case been called public opinion. It was not the first time the influence of St. James's Place had been felt in this House.

Sir Henry James

There appeared to be about St. James's Place a sort of stagnant atmosphere, producing on the minds of those who gathered there a feeling unfavourable, at all events, to reforms of a revolutionary character, or to such as were proposed without full consideration. He therefore contended that it was St. James's Place influence, and not that of public opinion, that had brought about this change in the minds of the noble and learned Lord and of the right hon. Gentleman. They had now, however, to deal with that as a practical question, and knowing the power which Her Majesty's Government possessed in that House, of carrying out their views when they had once determined upon them, it would, in his judgment, be well for the House to accept this Bill, and to permit it to be read a second time, subjecting it, of course, to a fair amount of criticism. Assuming, however, that the measure was a good one, he thought that the credit for suggesting it should be given, not to Her Majesty's Government, but to the hon. and learned Member for the Denbigh Boroughs (Mr. Watkin Williams), who, names being changed, had suggested its main provisions in a letter which he had written to *The Times* on the 25th of March, 1875. That letter was as follows:—

“ 1. That, in place of Lord Selborne's High Court of Appeal the existing Court of Lords Justices of Appeal, with an increased number of Lords Justices, should be retained, and form a Division of the High Court of Justice of the Supreme Court of Judicature.

“ 2. That there should be an appeal from all Divisions of the High Court of Justice to the Lords Justices of Appeal, and from the latter Court to the Imperial Court of Appeal of the House of Lords.

“ 3. That the Crown should have power to confer a limited number of judicial Peerages upon Judges during their holding office, either as Chief Justices or Lords Justices of Appeal, or paid Members of the Judicial Committee of the Privy Council, and that these Judicial Peers, together with all other Peers who hold, or have held judicial office, should hear and dispose of all appeals in the Imperial Court of Appeal of the House of Lords, and that Lords Justices thus appointed Judicial Peers should be relieved from attendance in the Intermediate Court of Appeal.

“ 4. That, by Order in Council, all appeals to Her Majesty in Council might be referred to the Imperial Court of Appeal of the House of Lords.

“ 5. That the appellate business of the House of Lords should be disposed of at such times, and in such places, and in such manner generally as to the number of Judges and other mat-

ters as may from time to time be directed by Standing Orders of the House."

That letter was, in fact, the Bill before the House. He now came to consider the question whether, in fact, the great principle of the retention of the Appellate Jurisdiction of the House of Lords, for which the St. James's Place Committee had struggled so manfully, had in reality been maintained. The great evils which Lord Selborne and the Government of 1873 were anxious to remove were these—that, in the first place, the House of Lords was a political, and not a judicial body; that it sat for judicial purposes only at those periods of the year when it sat for legislative purposes; that the time it devoted to judicial purposes was inadequate to enable it to discharge its duties properly; and that its judicial strength was insufficient. He maintained that in what was proposed to be done by this Bill, the whole of the substance of what had been contended for by the Committee of St. James's Place had been given up, and that the name, and nothing but the name, of the House of Lords, had been retained—a rather barren victory on their part. Those who had suggested the measure of 1873 ought to be well satisfied with the present measure. True it was that in future the causes would be determined in the chamber in which the House of Lords sat, but the Judges who would determine them would be altogether distinct as a body from that House. Experience taught that where there were paid Judges and Judges who existed only in an *ex officio* capacity, the whole of the duties would eventually come to be performed by the former alone. In this case as soon as the four paid Judges of Appeal existed in the House of Lords, they would be really the persons performing the duties. They would be Peers—and again they had the name—but they would be Peers because they were Judges, and not Judges because they were Peers. Another object they sought—namely, that there should be a judicial tribunal sitting not only when Parliament was sitting, was given under this Bill. The House of Lords, when Parliament was not sitting, would be sitting as a Court of Appeal by the provisions of this Act. If all that was satisfactory to the Gentlemen who fought for what they called a great principle, they who had obtained the substance of what

they fought for, would not be behaving properly if they offered any unfair opposition to the Bill. On the whole, therefore, those who had struggled for the substantial reform ought to be fully satisfied with the success they had gained, and might leave those who were opposed to the change to console themselves with the triumph they had obtained in retaining the empty name of the House of Lords as the title of the new Final Court of Appeal. With regard to the second portion of the Bill which dealt with the continued existence of the Judicial Committee of the Privy Council, it involved a practical question, and one of serious importance when considered in reference to the subject of the Intermediate Court of Appeal. As regarded the Intermediate Court of Appeal, it was true there was no direct legislation, but indirectly there was much, and if the right hon. Gentleman who had moved the second reading of the Bill assumed that the existing Intermediate Court was to continue because up to the present it had been found satisfactory, he set out with a very erroneous impression. The general public could not know very much on a subject of this kind; but if the right hon. Gentleman would seek the opinions of those connected with the practice of the law, he would, with few exceptions, hear the existing Intermediate Court described in terms of disapproval. The opinion of the Lord Chancellor might be opposed to this view, but the noble and learned Lord was scarcely in a position to take a perfectly accurate view of the subject. He could only speak of the Court as it was when he was sitting as a Member, and on those occasions it was vastly different from others when he was not present. The Court would be satisfactory, no doubt, when made up of the Lord Chancellor, Judges borrowed from the Primary Courts, and further strengthened by the Master of the Rolls, who, when hearing appeals was, from no fault of his own, neglecting the business of his own Court in Lincoln's Inn. But when constituted under other conditions it was not possible to regard the Court as satisfactory, and it should not be formed in such a manner. It was clear from the proposals of the Bill that in the opinion of Her Majesty's Government reforms were necessary, but no prompt remedy was proposed. Surely, in a case of this kind, if it was considered important

to alter the constitution of a Court, that alteration should not be dependent upon the length of time to which the life of a member or members of the present Court might extend, but should be made at once. If satisfactory, the existing Court should remain as at present; if unsatisfactory, it should be remedied without delay. Another objectionable feature of the Bill to which he wished to refer was that, for the first time, it gave to the Minister in power patronage of a combined nature, for it would enable him to appoint as Judges lawyers whose presence would not strengthen the Court, but might either increase the influence of the Government in the House of Lords, or enable it to reward services other than legal which had in times past been rendered to the political Parties with which they were connected. He, however, thought the public would desire to see every safeguard imposed, so that the appointment of these Judges should be for their merits, and not for their Parliamentary support. The only suggestion which he could make would be that the provision of the Bill that allowed the appointment of barristers of 15 years' standing should be struck out, and that the appointment should be confined to those who had for a certain number of years sat in the Primary or Intermediate Court. They would thus be Gentlemen who had been removed from the action of political favour, and would have given some proof of their ability.

MR. MARTEN said, he was clearly of opinion last year that the course then taken by the Government tended strongly in the direction of a satisfactory solution of the great judicial problem before them. In the fusion of procedure in the administration of the two great principles of Law and Equity they had a basis of operation which, in judicious hands, could not fail to result in the satisfactory determination of many questions of judicial re-construction which had long occupied them. Whatever the hon. and learned Member for Taunton (Sir Henry James) might choose to say to the contrary, so far from the Lord Chancellor having changed his mind in reference to the Court of Appeal, as had been supposed, his course had been entirely consistent throughout, and in accordance with the opinions of those with whom he generally acted—that was, a most evident and most earnest desire to

produce a system of Judicature which should have the advantage of the most perfect economy of judicial power. What was mainly desired was that satisfactory Courts of Intermediate and Final Appeal should be constituted, and, as far as he could judge, the measure under consideration would achieve these objects. The House of Lords had always discharged the judicial functions intrusted to it in a manner which commended itself to the approval not only of England, but of Scotland and Ireland also, and he thought it would be unwise rashly to interfere under the circumstances. He, however, believed that our most distinguished Law Reformers, headed by the Lord Chancellor, were desirous of creating and maintaining a Court of Ultimate Appeal, in which the Profession and the public would have the utmost confidence. With reference to what had been said by the hon. and learned Member for Taunton on the subject of the Intermediate Court of Appeal, he must say that, so far as he could learn, the decisions of that Court had given unqualified satisfaction. He was altogether unaware of the existence of any feeling of dissatisfaction as to the constitution of that Court, except as to its fluctuating and casual character, as to which he concurred with the hon. and learned Member that it was desirable the Court should be a permanent one, and that its Members should not be casually selected. Then, as to the appointment of additional Judges, the proposal of the Government that two additional Judges should be appointed for the express purpose of strengthening the Court of Appeal was at first virtually agreed to and adopted by the House, during the discussion on the Judicature Bill last Session, but the proposal was abandoned—as he understood—in consideration of the opposition it met with from a high quarter at the other side of the House. The question was not a new one, and if the hon. and learned Member for Taunton would propose that there should be two additional Judges in the Court of Appeal, it would no doubt receive favourable consideration. The House should remember this fact in reference to the Court of Appeal—that unquestionably its work was accumulating very rapidly, notwithstanding the circumstance that two Courts of Appeal had usually sat.

Sir Henry James

In January last there were 69 appeal cases; in March, 86; in April, 107; and on the 12th June, 120 cases waiting for hearing. There were 43 Chancery appeals now waiting for hearing, whilst in Easter Term, 1875, there were only 11, and in Trinity Term 13. As to the business of First Instance, his own opinion was that it was impossible that in the Chancery Division the number of Judges could be reduced; for the increase of the arrears of business had been rapid, and he might say alarming; the number of causes awaiting hearing in Easter sittings last year being 288, while in Easter sittings of the present year the number amounted to 412. In the Court of the Master of the Rolls and the three Vice Chancellors' Courts the increase was also great and progressive, there being in Trinity Term, 1875, 328 causes waiting for hearing, whilst now the number was 502; and there was no hope that these four learned Judges could keep down the arrears, more especially as the necessary absence of the Master of the Rolls from his own Court in order that he might sit in the Court of Appeal involved a great diminution of judicial strength, as well as the closing of that noble and learned Lord's Court. In the Easter Sittings, 1876, which comprised 34 working days the Master of the Rolls sat only 14 days in the Rolls Court, and was absent from it and sitting on appeal for 20 days. So far, then, from there being a likelihood of the House being able to reduce the number of the Judges, it appeared to be obvious that the appointment of another Vice Chancellor would be absolutely requisite for the discharge of the business with anything like necessary speed. The examination of witnesses *vidé voce* in Chancery under the new practice tended much to prolong the hearing of new causes. With respect to the limitation of the Lords of Appeal to those who for a certain time had discharged judicial functions, he could only say that no doubt it was most important to get men of high eminence for Judges of Appeal, but that was no reason for restricting these appointments to those who were already Judges; for men appeared from time to time who might well be appointed to the Court of Appeal in the first instance; and it would be somewhat strange that a barrister might be called to the highest

legal office—that of Lord Chancellor—and yet not be eligible for the office of Lord of Appeal. Then, with respect to the right of appeal, he would, so far as England was concerned, suggest that that right might be extended by allowing an appeal not only from the Intermediate Court, but from the Divisional Courts direct, without the necessity of appealing to the Intermediate Court. An Intermediate Court of Appeal was often useless, because when it had once decided a point, it was much better to take a similar case straight to the House of Lords to be reviewed, without the expense and delay of an argument before the Intermediate Court. There was nothing novel in the principle of the propositions contained in the Bill, and he hoped the House would give it a second reading.

SIR WILLIAM HARCOURT said, he did not rise for the purpose of prolonging the debate; but he felt bound to say, that if the Government had pursued a consistent course from first to last upon the subject, it was one of a most remarkable character. Let the hon. and learned Gentleman the Member for Cambridge (Mr. Marten) recur to the authentic records of Parliament, and he would find that the real state of the case was very different. It was certain that in 1873 the Members of the present Government supported the proposal to do away with the House of Lords as the final Appellate Tribunal, and the right hon. Gentleman at the head of the present Government entered into an able argument to induce the House to support that proposal. The right hon. Gentleman then stated that the subject had been long considered by the Profession, the suitors, and the Government; that the principle had been perfectly settled, and that there was to be only one Court of Appeal. In 1874 the present Government came into power, and they made the same proposal. They were then masters of the situation. That House was not permitted to refer to the debates of the House of Lords, but they might refer to the Journals, and he found that Lord Redesdale, being extremely anxious to prolong the judicial existence of the House of Lords, moved a Resolution to the effect that it was admitted that the House of Lords was preferred by Scotland and Ireland as a Final Court of

Appeal to any other, and that as a satisfactory Court of Final Appeal had not yet been established for England, it was expedient that time should be allowed for making such improvements as might perfect the constitution of the House as a Final Court of Appeal. That Resolution said, in effect, that the legislation of 1873 was not satisfactory, and that it was not desirable to abolish the judicial authority of the House of Lords. The first name in the division which negatived that Resolution was that of the Lord Chancellor. Lord Derby also voted against it, and how, then, could it be said that the conduct of the Government had been entirely consistent? In 1875 an Intermediate Court of Appeal was certainly constituted, but it was a merely provisional measure in order that the proposal to prolong the judicial existence of the House of Lords might be re-considered, and now in 1876 it was proposed to retain the House of Lords. But apart from the controversy as to consistency there was the graver one as to whether they were to have an adequate tribunal. Of course there was no use arguing against the many legions who supported the right hon. Gentleman at the head of the Government. All he said was that it was deeply to be regretted that the policy those legions now enabled the right hon. Gentleman to maintain was not the policy they enabled him to maintain in 1874, but an exactly opposite policy. He deeply regretted that Her Majesty's Government should have changed their opinions on this matter. He would not attempt to discover the motives which had induced them to support Lord Selborne's Bill in 1873, a similar Bill in 1874, and the same principle in 1875, and afterwards to change their views. They all remembered the memorable scene in the House of Lords, when the Lord Chancellor of a Government commanding a large majority, to his own great regret, withdrew a Bill approved by the Cabinet, supported by the Prime Minister in the House of Commons, and sanctioned by both sides of that House. It was, however, necessary, as his hon. and learned Friend the Member for Taunton (Sir Henry James) had said, to make the best of a bad bargain. For himself, he admitted, he had always desired that there should be only one Court of Appeal, instead of an Intermediate Court of Appeal, because these

perpetual appeals were a great grievance to the poorer subjects of Her Majesty, and ended in favour of the suitor who had the longest purse. These principles, however, after having been thus accepted for three years, and after being supported, as he had said, by the right hon. Gentleman at the head of the Government, was now thrown over, and an Intermediate Court of Appeal was to be retained. He thought every member of the Profession would agree with the hon. and learned Gentleman the Member for Taunton in his criticism upon the existing Intermediate Court of Appeal. He (Sir William Harcourt) thought what his hon. and learned Friend said was very true, that the last person to form a correct estimate of the Court was the Lord Chancellor, for it was quite a different Court when that noble and learned Lord was present. The Bar were then treated with courtesy, and his presence gave a weight and a dignity to the Court which he was afraid it did not always possess in his absence. He must confess that if anything would reconcile him to the continuance of the House of Lords as a Court of Appeal, it was that that judicial dignity which was so important a part in the administration of justice was always found there, although it was sometimes missed elsewhere. He still, however, regretted that the highest Court of Judicature in the country was to be left a political body, and that had always seemed to him to be the greatest objection to continuing the jurisdiction of the House of Lords. It was all very well to say that that objection had no practical operation, because the Court would not have to deal with Constitutional questions, for it was at the moment it should not operate that the political character of the House of Lords became dangerous. Cases might recur like that of Mr. O'Connell, involving grave political questions which would have to be determined by persons who were actually engaged in the struggles of politics, and the public would think that in the main they were decided upon political considerations, as that of Mr. O'Connell was. [Sir GEORGE BOWYER: No, no!] The hon. and learned Member for Wexford was perhaps the only man who doubted what others believed from the first, that all the Liberals voted on one side and all the Conservatives on the other. Besides political questions, others

Sir William Harcourt

that were more or less class questions might arise, as in the Bridgewater case, the decision of which, it had always been considered, was influenced by other considerations than those relating to principles of conveyancing and real property which ought to have guided the decision. These were the main reasons why it must always be objectionable to leave the final Court of Judicature in the hands of a political body, and these objections the Bill would not remove, but, on the contrary, it took Judges and made politicians of them, as it made them Peers because they were Judges. He had always deemed it desirable that in founding a new system it should be kept free from politics; but they had practically no alternative but to accept the Bill as it stood. No doubt it removed many practical objections to the jurisdiction of the House of Lords by constituting a Court to sit when the House itself was not sitting, thus severing the tribunal as a judicial body from the House as a legislative body. The jurisdiction of the House was practically terminated and transferred to a body of gentlemen with judicial authority; but he was anxious to know what would be their social status when they ceased to be Judges?

SIR COLMAN O'LOGHLEN: The Bill states it.

SIR WILLIAM HARCOURT: But what was to be their status in life?

SIR COLMAN O'LOGHLEN: They will become Irish Peers.

SIR WILLIAM HARCOURT said, then what a farce it was, for it seemed that when one of them ceased to be a Judge he would cease to be a Peer in the ordinary sense of the word; and that suggested that in order to improve our Judicature we should be compelled to separate it from the hereditary Peerage. It was understood that this final Court would satisfy Scotland and Ireland because it was to be the House of Lords, which implied a supposition that the law was to be administered by an hereditary Peerage; but that was not so, and therefore there was a severance of the Judicature from the House of Lords in the proper sense of the word. That seemed to be an indirect way of doing that which he desired to do; and he preferred the plan of 1873, because it involved total separation. It was not worth while for the sake of preserving the name of the House of Lords to

create a Court of this hybrid character.

MR. CHARLEY congratulated Her Majesty's Government on their having introduced a statesmanlike measure acceptable to both Houses, and, if proof were wanted of the unanimous opinion of the legal Profession and of the country generally, it was to be found in the fact that no Notice had been given of opposition to this Bill. Last year hon. Members who were favourable to preserving the Appellate Jurisdiction of the House of Lords were denounced as a clique and a coterie meeting in an obscure place, but that could not be said now, in the absence of opposition to the Bill. Neither could it be said that the Government were afraid to depart from the policy of their predecessors; they had done so, and the country had supported them. With regard to the division referred to by the hon. and learned Member for Cambridge (Mr. Marten), he (Mr. Charley) was one of the Tellers, and, as 14 Members of the present Government voted in the minority, it was certainly an emphatic protest against the policy which was then being pursued. The present Government had been quite consistent, because what was said in 1873 by Lord Cairns and the Prime Minister was, that if an Intermediate Court of Appeal were dispensed with it would be necessary to abolish the Appellate Jurisdiction of the House of Lords, as the number of appeals would be too large for it to deal with them. As Lord Selborne's Act had destroyed the Appellate Jurisdiction of the House of Lords for England, the question was whether the same should be done for Scotland and Ireland, the primary object of Lord Cairns being to establish one Court for the Three Kingdoms. A great change of opinion occurred in 1874, and the Government were quite consistent in recurring, not, as had been stated, to the suggestions of the hon. and learned Member for the Denbigh Boroughs (Mr. Watkin Williams), but to the recommendations of the Select Committee of the House of Lords of 1856. The Bill was, in fact, founded on their unanimous recommendation. In their Report they said—

“Although during certain periods the number of Law Lords in regular attendance on the Appellate Business has been inadequate to meet the requirements of the public and the Profes-

stead of the House of Lords, a Court of four salaried Judges as Lords of Appeal in Parliament, sitting alternately in the House of Lords and in the Privy Council. In conclusion, he regretted the necessity of making these criticisms on the Bill, for it was a measure which, taken on the whole, showed the constitutional wisdom of the Government; and he, for one, wished to bear testimony to the admirable manner in which they had stemmed the torrent of prejudice which had been awakened by a certain portion of the Press against the House of Lords, and to congratulate them on having preserved an important part of the Constitution. The opinion of the Bar was strongly in favour of maintaining the jurisdiction of the House of Lords, and the Bill carried out that principle.

SIR GEORGE CAMPBELL said, had the Court proposed to be established been purely English, he should not have troubled the House. The Committee of Privy Council, however, was becoming more and more an Indian Court, and as he had some knowledge of Indian affairs, and this was a subject on which he had great experience, he ventured an opinion. In the main, both from a Scotch and an Indian point of view he was favourable to the Bill of the Government. His only complaint was, that the Government had not followed out what the head of the Government described as a logical sequence of his statement, that the Bill would not take immediate effect, would not come into operation during the lives of the four Judges recently appointed. He reminded the House that last year he had suggested that they should not borrow Judges only from the regular Courts as proposed by the temporary Bill, but from the Privy Council also. The suggestion, however, was not listened to, and the result was that the regular Courts were still accumulating arrears, while the Judicial Committee of the Privy Council was quite under-worked. In his opinion, the public interests were being sacrificed to an excessive punctilio for personal consideration. Good as the present Judicial Committee of the Privy Council was, it did not command the respect that had been commanded by the old Committee of Privy Council which was constituted somewhat as the present Bill proposed. If some of the Judges of the

Judicial Committee of Privy Council could be transferred to other Courts, immediate effect might be given to the Bill, and they might have that form of Judicial Committee which would be preferable to the present, while the other Courts would be rendered efficient. But, as the hon. and learned Member for Taunton (Sir Henry James) had shown, the Bill could not take effect until four of the present Judges who were not all old men, and who they hoped might live many years, should have disappeared in the course of nature. The present Judicial Committee of Privy Council comprised two paid Judges on full salaries, and two Indian Judges not receiving full salaries, but only the difference between liberal pensions and the salaries of Judges of Appeal. He suggested that the fully paid should be transferred to one of the other Courts, but he was told that this was impossible, from personal considerations. He thought these ought not to prevail as against public interests. He was afraid the result of maintaining the present system in the Judicial Committee would be that, having the present large Court, they would think it necessary to find work for it. In his opinion, appeals from India were already too numerous. These appeals came from 10 or 12 different tribunals, and though, no doubt, that was favourable to English lawyers, the expense and loss of time were very prejudicial to the interests of the Native as well as to public justice. Appeals from India to the Privy Council should be confined to cases of importance involving important points of law, and should not be permitted in petty cases or those involving mere facts. Therefore, he appealed to the Government to say whether they would not enable their Bill to be immediately carried out by the transferring of two of the Judges of the Privy Council.

Question put, and *agreed to*.

Bill read a second time, and *committed* for *Monday* next.

UNIVERSITY OF OXFORD BILL [*Lords*].

(*Mr. Gathorne Hardy.*)

[BILL 146.] SECOND READING.

Order for Second Reading read.

MR. GATHORNE HARDY, in moving that the Bill be now read a

Sir George Bowyer

second time, said, when he looked back upon the time when he was an undergraduate at Oxford, and compared Oxford of the present day with that time, he saw how great had been the changes which resulted from the Act of 1854, and the Commission by which that Act had been preceded. He did not intend, however, to go into what had happened in former days. He only wished to call attention to the fact that the Oxford of the present day had a much larger number of undergraduates than it had at that time, and that there was every prospect of the number increasing. Not only were the Colleges filled, but there were a large number of unattached students; and he thought he might say that both Oxford and Cambridge were taking a place in the consideration of the country which was not only felt within the Universities themselves, but by those who were acquainted with their worth in all parts of the United Kingdom. As to the measures which it was proposed to take to enable them to extend their usefulness still further, the Commission of 1854 practically settled the question of the government of Oxford University; and there was no intention in the Bill to alter the conditions or circumstances of the University authorities or Colleges so far as that Government was concerned. There had been two Commissions since then; one on scientific research, and the other, which had recently sat, on the revenues of the Universities and Colleges. With respect to that which sat on scientific research, it went into questions which had excited a good deal of attention. He spoke more from his knowledge of Oxford than of Cambridge; and he would pass by the Commission, with the remark that what it recommended was that the Universities should address themselves more to research than they had hitherto done, and one of the proposals of this Bill was to enable the Commission to deal with scientific research. He came next to the Commission upon the revenues of the Universities and Colleges, and everybody would concur that that Commission clearly made out that while the Colleges were comparatively rich, the Universities were poor; the Universities not having sufficient means for the extension which was required of them, whilst the Colleges were in a position to enable them, without any inter-

ference with their working, to contribute still more liberally to their assistance than they had done hitherto. No doubt, it was true that there had been a great many disputes as to the results of this Commission and the conclusions arrived at. Anybody, however, who would take the trouble to look into the Blue Book would find that there was a vast increase, present and perspective, in the College revenues, and that the Universities had gradually become deficient in the means of carrying out those things which were, in his opinion, as essential for the Colleges as for the Universities themselves. He had observed some time since a statement in an able letter, which appeared in one of the public journals, that the Universities had urgent claims upon them for libraries, museums, schools, Professors' rooms, more Professors, and increased remuneration for their teaching, and that they had not money to meet those demands. In that letter it was pointed out that the difficulty might be met by levying additional taxation on the members of the Universities; but that, he thought, would bear very hardly on the poorer class of students, and was entirely out of the question if they wished to encourage people to resort to the Universities. If, then, the members were not to be taxed sufficiently to meet the objects in view, were they prepared to ask for a grant of public money, and was the House prepared to tax the country for that object? For his own part, he did not hesitate to say that that might legitimately be done to aid a national University under certain circumstances, but not while there were other resources at command which could be taken without injury to others and devoted to the same kind of objects for which, if applied to Colleges, it would be devoted. The present Bill, therefore, was a Bill for enacting that there was an interdependency between the Universities and Colleges from which the latter derived stability, which rendered it just and fair that the Colleges should contribute towards the funds of the University from which they derived their character, with the view of increasing its usefulness and making it re-act on the Colleges to their advantage. The matter would not, he might add, inasmuch as several of the Colleges had already been shown to have contributed largely to University purposes, be left

to the voluntary action of the Colleges, because there might be an indisposition on the part of some and an overwillingness on the part of others to contribute; but the Commissioners under the Bill would, he hoped, look upon the needs of the Universities and the means of the Colleges as a whole, and endeavour to deal out justice to each, not attempting to deprive the Colleges of the funds of which they stood in need, but, when their wants were supplied, taking care that the funds at their disposal should be made available for improving the condition of the Universities. The Bill had been characterized by some as a revolutionary measure; but there was nothing, he contended, to be found within the four corners of a revolutionary character. If, as was said, it would tend to destroy the College system, he for one should not have brought it forward. All that had grown up at both Oxford and Cambridge had been dependent on the Colleges in connection with the Universities, and it was that system which was peculiar to those two Universities, which had done so much to establish them in the affection of the country, and which, he, for one, would do nothing to endanger. It was far from his intention to destroy the independence and self-government of the Colleges, or affect them injuriously in any way; but, on the contrary, he should wish them to be so thoroughly connected with the University that they would assist it as if it were a part of themselves. There was no disposition, so far as the Bill was concerned, to alter the system of study in the University, and he trusted that whatever might be done for science or research nothing would be done to sacrifice that literary teaching which had always been connected with the Universities. Classical, historical, philosophic, and, in fact, all kinds of learning would, he hoped, still be maintained to the same extent as at present, and, if it were found necessary to introduce new studies or give increased facilities to students, it would be done without the destruction of existing systems, and he trusted the foundation would always remain of a good, sound, classical education. There was, at all events, no intention, so far as the Bill went, to destroy any of those studies. What was wanted was that the Bill should be what he might call an acade-

mical Bill, and he hoped it would not be considered either in a theological or a political point of view. It took the University and Colleges as it found them, and its object was to give them increased life and energy, and tend to the improvement of both. In order to do that a Commission such as that appointed under the Bill should not, in his opinion, take isolated cases. A great many people said—"When you have seen so much done, why not leave the matter to the continuance of voluntary action?" At present there were great differences of opinion as to the mode in which the funds should be applied with the view of increasing the usefulness of the Universities, and that House, would, he thought, be singularly ill-qualified to discuss the details of the subject. It was only by means of a Commission which could examine and test all the operations of the Universities and Colleges that any satisfactory conclusion could be arrived at as to the manner in which the relations between them should be varied. If the whole thing were left to voluntary effort, the burden could never be equalized, and therefore it was desirable to have persons who would inquire into matters on the spot. There were, he might add, many who were anxious for a greatly enlarged Professorial system. Whenever he went to Oxford now he found some 600 or 700 men at the schools being examined. All those intermediate examinations were wholly unknown in his time; but there was now a perpetual state of examination. When, however, the present Bill was being brought forward with the means of increasing the Professorial system, he hoped no extravagant or exaggerated extension would be made in that respect without full consideration, for in his opinion nothing should be done in the way of Professorial extension which would extinguish the tutorial system. Professorial teaching would never meet the examination requirements of the present day. The tutorial system, by the mere action of the Colleges themselves, was at present taking a very different form from that which it did formerly. It was used economically and advantageously, and he held a statement in his hand which pointed out that the teaching of the tutors was by no means confined to their own Colleges. At present different Colleges associated

Mr. Gathorne Hardy

themselves together for the purpose of general mathematical or classical teaching, and the existing system should not be interfered with rashly, neither should we deprive the Colleges of the funds they required for those purposes in order to institute what was called Professorial teaching in the University. He did not wish to disparage that kind of teaching which, no doubt, had an advantage in giving a large and general view of great subjects; but it could not impress special parts of subjects on the minds of pupils as well as individual teaching did. He now came to a question which had raised some feeling—that of residence. Far be it from him to say that a non-resident Fellow was an idle man, for he knew much of the reverse. At the same time, he might remark that, as far as his immediate bearing on his College and University was concerned, there could be no doubt that he did not render any special services for the income which he enjoyed either to the College or the University. He might take a considerable part in the improvement of the Colleges and the University, but being non-resident, he did not give any assistance to education going on therein. Besides, it seemed to him remarkable that life prizes should be given for a single examination, whether he rendered services or not. At present a man went in for an examination, and if he obtained it and continued celibate he was entitled to hold the Fellowship for the rest of his life. That was a position which, in his opinion, justified the declaration in the Preamble that provision should be made for limiting the tenure of Fellowships. He could not help feeling that on this point the House would have an almost unanimous opinion. He had, however, seen many poor men who would hardly have been able to go to the Bar at all if they had not had at the beginning a small Fellowship to begin with. With regard to the condition of celibacy, it was worthy of consideration whether it might not be relaxed in the case of Fellows who devoted their time and talents to educational work in the University. Now what was the University to get from those who were able to assist it? Everybody was most anxious that the grandeur and magnificence of the Bodleian Library should be extended. For that purpose additional buildings would be required, and no one could doubt that a great

central library like the Bodleian, which admitted the whole world, might fairly expect not only to be supported by the University, but to receive assistance from the Colleges also. He next came to the question of what was called research. Sometimes he did not quite know what was meant by those who made use of the word. If it were meant that we should give an income to a gentleman for pursuing his classical, historical, or scientific investigation, there was not a sufficient guarantee to justify the employment of a fund in that way. Nothing, indeed, would require more attention on the part of the Commission than the endowment of research properly so-called. With regard to research on physical subjects, in which investigation was most required, how were we to treat a man? Was he to be treated like Tycho Brahe, who was placed in a large mansion and left to study the stars. That great astronomer did so, but it was doubtful whether everybody who was placed in an equally comfortable position would follow the example. Therefore, provision ought to be made that the research should be for definite objects and for a definite period, and that the results should be ascertained before the salary originally given was continued. He also trusted it would be of that kind which was essential to teaching, and which would be for the advantage of the Colleges and the University that supplied funds for it. He thought, however, that was a matter that might be fairly left to the Commissioners. In some of the Petitions it was suggested that there should be a preliminary inquiry, but he supposed that meant a preliminary inquiry on the part of the Commissioners before they laid down any definite rules. They would no doubt look at the question as a whole before coming to any definite conclusion. He took it for granted that no information would be withheld by the University or any of the different Colleges; and he had not the least doubt that the Commissioners would obtain all the information which they might require. The question had been so thoroughly investigated that there was enough of information at present available to enable them to come to such a conclusion as to render them immediately able to enter upon action. With respect to the Amendment on the Paper

of his hon. and learned Friend opposite (Mr. Osborne Morgan), he believed it was not hostile to the Bill, but it pointed out the necessity of obtaining some definition of what was intended to be done. In regard to the point, he might observe that the Preamble of the Bill laid down certain principles in general terms, while the 15th clause gave to the Commissioners as much guidance as could be given, considering that they would have to inquire before they formed their conclusions. Beyond that the Bill itself was framed on the principle that a University should contain within itself every art and science necessary for use that men should know—that there should be some one or other able to teach any one of those great subjects which influence the destinies of the world. It provided that the Commissioners, in statutes made by them for the University, might make provision for affording further or better instruction in any art or science, for consolidating any two or more Professorships or Lectureships, for erecting and endowing Professorships of, or Lectureships in, any art or science, and for increasing the endowment of any Professorship of, or Lectureship in, any art or science. Another object for which the Commissioners might make provision was “for altering the conditions of eligibility and mode of election to any Professorship and public Readership.” Some amendments of this nature might certainly be made with advantage. Another object was “for providing retiring pensions for Professors and public Readers.” This would be a beneficial provision, for what could be more undesirable than that men in such a position should cling to it to the last, wishing to teach, but without the ability to teach, because no retiring allowance could be given to them? The next object was to provide new or improve existing buildings, libraries, collections, or apparatus. He was told that in the Museum at present there were 60 or 70 students where there was only room for 20. Even upon the ordinary principles of demand and supply such an object as this must be provided for. The next purpose mentioned was “for diminishing the expense of University education by founding scholarships tenable by unattached students not members of any College, or by paying salaries to the teachers of such students, or otherwise.”

Mr. Gathorne Hardy

This provision was introduced at the instance of the most rev. Primate the Archbishop of Canterbury. He (Mr. Hardy) was certainly of opinion that ability combined with poverty should receive assistance, but it might be worth considering in Committee whether the limitation here expressed was not too narrow. In the Halls there were some men quite as poor as the unattached students, without many of the advantages which the unattached students enjoyed; and therefore the limitation in the clause might probably be extended with advantage. Then came the Colleges, and the general principle laid down was that the University and the Colleges were a whole; that the University ought to be in a position to meet the wants and wishes of the Colleges, and must be put in a state to meet all demands for instruction in science and art which properly formed part of University education; that there should be a central power in the University; and that the Colleges should feel themselves so bound up with the University that they should not hesitate to give of their abundance towards it. If this feeling were elicited, he was sure that there would be a reaction of benefit to the Colleges themselves. Oxford and Cambridge had had an existence prolonged beyond that of most such institutions. There were older ones elsewhere, but there were none more famous or to which the heart of England was more thoroughly attached. For years the two Universities had been endeavouring to meet the educational wants of the country. They came now to Parliament, and he might say that they came almost unanimously, for, whatever might be the differences of opinion upon certain details of the Bill, there was an almost unanimous opinion in the University that the time had come when the relations of the Colleges with the University and of the University with the Colleges should be re-considered; that the time had come when the great and growing funds of the Colleges should be made applicable to the purposes stated in the Bill. He trusted, therefore, that the House would concur with the University in obtaining some of the great results which were foreshadowed in the Bill, and which he had ventured, though so feebly, to describe. The right hon. Gentleman concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Gathorne Hardy.*)

MR. OSBORNE MORGAN, in moving as an Amendment—

"That in view of the large legislative powers entrusted to the University of Oxford Commissioners by this Bill, this House is of opinion that the Bill does not sufficiently declare or define the principles and scope of the changes which such Commissioners are empowered to make in that University and the Colleges therein,"

said, he hoped it would be unnecessary to disclaim any intention on his part to obstruct the Bill or embarrass the Government. On the contrary, he desired to thank the Ministry for the promptitude with which they had grappled with this difficult question, and particularly to thank the right hon. Gentleman opposite (*Mr. Hardy*), for the conciliatory and reassuring speech in which he had introduced his measure. Approaching, as he wished to do, the subject from an academical rather than from a political point of view, he would endeavour to avoid any topics which might divert the attention of the House from the objects they all had in view—the real improvement of the University. Before discussing the Bill, let him say one word as to that which was the most important part of the Bill—he might almost say it was the Bill—the Commission itself. It might seem presumptuous for a private Member like himself to criticize even from a favourable point of view so distinguished a body of men. At the same time their names were now public property, and one necessary consequence of entrusting such exceptional powers to any body of men was to make the Bill a question of men rather than of measures, and to make any discussion which made no reference to the *personnel* of the Commission necessarily incomplete. Fortunately, of the majority of that body nobody could speak except in terms of unqualified commendation. Every one who had known Lord Selborne in that House or at the Bar, who remembered his brilliant University career, and who had witnessed his recent indefatigable efforts in the cause of legal education, would feel that no better person could be found to preside over such a Commission. The names of *Mr. Justice Grove*, of *Mr. Montague Bernard* and *Sir Henry Maine*,

were names of wide and deserved reputation, and as to his hon. Friend opposite (*Mr. Ridley*) he hoped he might be allowed to say to his face what he had often said behind his back, that no more worthy representative of young Oxford could be found on those benches. Of Lord Redesdale he wished to speak with the respect due to the bearer of a great name and a most useful and able public functionary. But it had occurred to others besides himself that Lord Redesdale's large experience and great talents had been acquired and displayed rather in discovering objections than in surmounting them—rather in picking holes in the schemes of others than in framing such schemes as those to which the Commission would have to address itself, and he might be pardoned for expressing a doubt whether an intimate acquaintance with the Standing Orders of Parliament was the very best education for a University Reformer. Of the Dean of Chichester, he could speak with less reserve, for so strong was the objection entertained to him in "another place" that his name was actually challenged, not only by a debate, but by a division. Surely, if it was necessary to place on the Commission some representative of Dr. Burgon's school of theology, some less ostentatiously aggressive—he might almost say pugnacious—champion of that school might have been selected. Oxford men had not forgotten—they could not forget—how only a few years ago Dr. Burgon had endeavoured to exclude from the University Pulpit one of the best and ablest men who had ever adorned the English Church or any other Church—the Dean of Westminster. He thought the noble Lord the Marquess of Salisbury must have forgotten this episode in Dr. Burgon's career, when he placed him upon a Commission which ought to command, and which he believed was intended to command, the general confidence of the University. But whatever might be thought of the personal qualifications of each Commissioner they were, as regards the University itself, an outside body. Only one of them, he believed, had ever been connected by residence with the University since he had taken his degree. Two of the Commissioners, and those certainly not the least distinguished, had been for the greater part of their lives among the busiest members of the busiest Profession in England.

of his hon. and learned Friend opposite (Mr. Osborne Morgan), he believed it was not hostile to the Bill, but it pointed out the necessity of obtaining some definition of what was intended to be done. In regard to the point, he might observe that the Preamble of the Bill laid down certain principles in general terms, while the 15th clause gave to the Commissioners as much guidance as could be given, considering that they would have to inquire before they formed their conclusions. Beyond that the Bill itself was framed on the principle that a University should contain within itself every art and science necessary for use that men should know—that there should be some one or other able to teach any one of those great subjects which influence the destinies of the world. It provided that the Commissioners, in statutes made by them for the University, might make provision for affording further or better instruction in any art or science, for consolidating any two or more Professorships or Lectureships, for erecting and endowing Professorships of, or Lectureships in, any art or science, and for increasing the endowment of any Professorship of, or Lectureship in, any art or science. Another object for which the Commissioners might make provision was “for altering the conditions of eligibility and mode of election to any Professorship and public Readership.” Some amendments of this nature might certainly be made with advantage. Another object was “for providing retiring pensions for Professors and public Readers.” This would be a beneficial provision, for what could be more undesirable than that men in such a position should cling to it to the last, wishing to teach, but without the ability to teach, because no retiring allowance could be given to them? The next object was to provide new or improve existing buildings, libraries, collections, or apparatus. He was told that in the Museum at present there were 60 or 70 students where there was only room for 20. Even upon the ordinary principles of demand and supply such an object as this must be provided for. The next purpose mentioned was “for diminishing the expense of University education by founding scholarships tenable by unattached students not members of any College, or by paying salaries to the teachers of such students, or otherwise.”

Mr. Gathorne Hardy

This provision was introduced at the instance of the most rev. Primate the Archbishop of Canterbury. He (Mr. Hardy) was certainly of opinion that ability combined with poverty should receive assistance, but it might be worth considering in Committee whether the limitation here expressed was not too narrow. In the Halls there were some men quite as poor as the unattached students, without many of the advantages which the unattached students enjoyed; and therefore the limitation in the clause might probably be extended with advantage. Then came the Colleges, and the general principle laid down was that the University and the Colleges were a whole; that the University ought to be in a position to meet the wants and wishes of the Colleges, and must be put in a state to meet all demands for instruction in science and art which properly formed part of University education; that there should be a central power in the University; and that the Colleges should feel themselves so bound up with the University that they should not hesitate to give of their abundance towards it. If this feeling were elicited, he was sure that there would be a reaction of benefit to the Colleges themselves. Oxford and Cambridge had had an existence prolonged beyond that of most such institutions. There were older ones elsewhere, but there were none more famous or to which the heart of England was more thoroughly attached. For years the two Universities had been endeavouring to meet the educational wants of the country. They came now to Parliament, and he might say that they came almost unanimously, for, whatever might be the differences of opinion upon certain details of the Bill, there was an almost unanimous opinion in the University that the time had come when the relations of the Colleges with the University and of the University with the Colleges should be re-considered; that the time had come when the great and growing funds of the Colleges should be made applicable to the purposes stated in the Bill. He trusted, therefore, that the House would concur with the University in obtaining some of the great results which were foreshadowed in the Bill, and which he had ventured, though so feebly, to describe. The right hon. Gentleman concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Gathorne Hardy.*)

MR. OSBORNE MORGAN, in moving as an Amendment—

"That in view of the large legislative powers entrusted to the University of Oxford Commissioners by this Bill, this House is of opinion that the Bill does not sufficiently declare or define the principles and scope of the changes which such Commissioners are empowered to make in that University and the Colleges therein,"

said, he hoped it would be unnecessary to disclaim any intention on his part to obstruct the Bill or embarrass the Government. On the contrary, he desired to thank the Ministry for the promptitude with which they had grappled with this difficult question, and particularly to thank the right hon. Gentleman opposite (*Mr. Hardy*), for the conciliatory and reassuring speech in which he had introduced his measure. Approaching, as he wished to do, the subject from an academical rather than from a political point of view, he would endeavour to avoid any topics which might divert the attention of the House from the objects they all had in view—the real improvement of the University. Before discussing the Bill, let him say one word as to that which was the most important part of the Bill—he might almost say it was the Bill—the Commission itself. It might seem presumptuous for a private Member like himself to criticize even from a favourable point of view so distinguished a body of men. At the same time their names were now public property, and one necessary consequence of entrusting such exceptional powers to any body of men was to make the Bill a question of men rather than of measures, and to make any discussion which made no reference to the *personnel* of the Commission necessarily incomplete. Fortunately, of the majority of that body nobody could speak except in terms of unqualified commendation. Every one who had known Lord Selborne in that House or at the Bar, who remembered his brilliant University career, and who had witnessed his recent indefatigable efforts in the cause of legal education, would feel that no better person could be found to preside over such a Commission. The names of *Mr. Justice Grove*, of *Mr. Montague Bernard* and *Sir Henry Maine*,

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provision for religious instruction and worship, and at the same time disabled them from imposing fresh clerical restrictions, but as they had already power to suppress any Fellowships they pleased, the restriction became of less value, for they might, if so minded, suppress all the lay Fellowships in a College and leave all the clerical ones. It might be said that the question of clerical Fellowships might safely be left to the discretion of the Commissioners. But this was a question of all others upon which Parliament ought to speak out, and ought not to shift the responsibility of legislation to other shoulders. The condition of taking Holy Orders, which applied either as a condition precedent, or a condition subsequent to the great majority of Headships and to more than one-third of the Fellowships, was, to his mind, the greatest blot on the University system, and it was one, unfortunately, which the Tests Abolition Act had left untouched. It was, in fact, the test system revived in its most mischievous form. Could there be a doubt, from an academical point of view, that all restrictions which tended to fetter the discretion of the electing body and to narrow the area of selection were radically vicious? What would be said if it was proposed to confine Fellowships to laymen? The memorial recently presented to the Marquess of Salisbury showed how strong was the feeling of the residents on the subject. Of course, he knew the argument by which the maintenance of these restrictions was supported. It was said that there was a great deal of floating infidelity at Oxford, and that a certain amount of orthodox leaven was necessary to leaven the heterodox lump. But they forgot that the kind of leaven which was procured by bribing men to adopt a sacred profession, was but a bad kind of leaven after all. Surely it was but a poor compliment to Christianity to suppose that it required to be kept alive by such expedients as these. Surely Christianity was strong enough to take care of itself, without these paltry subsidies. The effect of these restrictions was to keep away good men, and to saddle the Colleges with an inferior class of tutors, who were, in many cases, neither a credit to the Church nor an advantage to the University. Then, as to these so-called checks. The 28th section, which allowed three Commis-

sioners to be selected from the Colleges to be reformed, would produce an ill-assorted union, and necessitate the submission of schemes of College reform to a non-descript and ever-changing body. When the majority in the College went with the Commission all would go smoothly; but a recalcitrant College would appoint recalcitrant Commissioners, who might paralyze the efforts of the Commission. It was like giving a great momentum to a body and then applying a powerful break. If the break acted it brought the engine to a standstill; if it did not, it took you heaven only knew where. Thus even in the case of the limitations on the powers of the Commissioners, it was a matter of haphazard when and to what extent they might be brought to bear. The 26th and following sections, which gave a right of appeal to the University Committee of the Privy Council and to either House of Parliament, really meant nothing. Such a body might feel itself called upon to interfere, if the legal powers of the Commissioners were exceeded, or in cases of individual injustice—contingencies, he need hardly say, most unlikely to occur. But he was much mistaken if the Privy Council or either House of Parliament would feel called upon to step in and lay down a principle where Parliament laid down none. He came lastly to the Preamble, where for the first and last time they discovered something like the glimmer of a principle. The Preamble pointed to two definite objects—the taxation of the College for the benefit of the University, an issue which was directly challenged by the Motion of the noble Lord opposite (Lord Francis Harvey), and the extinction or limitation of non-resident or, as they had been called, “idle Fellowships.” Without saying that something might not be done in both these directions, he maintained that the utmost caution was necessary. By absorbing the Colleges in the University they might create bad imitations of a Leipsic or a Göttingen, but they would certainly destroy Oxford and Cambridge. He quoted a letter of Mr. George Brodrick to *The Times* to show that the regeneration of the Universities at the beginning of the present century was due to the activity of some of the Colleges, and that, at a time when Oxford and Cambridge were asleep, Balliol and Trinity

Mr. Osborne Morgan

were awake. It was the energy of the College heads and tutors, and the stimulus which they had given to University education, which had roused the Universities from that fatal period of lethargy—

“When Isis elders reeled their pupils sport
And Alma Mater lay dissolved in port.”

Besides, it should not be forgotten that it was easier to appoint Professors than to fill their class-rooms, and that richly-endowed Chairs would be of little service if confronted by empty benches. Then, as to these so-called “idle Fellowships.” That, he thought, was a very unfortunate epithet, for it created a prejudice among non-University men against a system which had borne good fruits. If “idle” meant “non-resident” an “idle Fellow” might be a man who was collating manuscripts in Italy or carrying on astronomical surveys at Greenwich. Few persons knew how many men who had risen to the highest offices in the State would never have emerged from obscurity but for these “idle” Fellowships. Why, the noble Lord the Marquess of Salisbury himself was an “idle Fellow.” Nearly every Member of the Commission, beginning with Lord Selborne, and ending with the hon. Gentleman opposite, had been “idle Fellows.” Both the Archbishops, both the Chief Justices, and a large proportion of the occupants of the Episcopal and Judicial Bench had been “idle Fellows,” and so had a host of men famous both in literature and science. He might be asked what benefit did their success in life confer on the Universities, but it must not be forgotten that the Universities existed for the benefit of the nation, and not the nation for the benefit of the Universities. These non-resident Fellowships were most valuable links between the Universities and the outside world, and such prizes were really the strongest incentives to exertion. It was not merely the pecuniary value of the Fellowships, though a desire for an honourable independence was a perfectly legitimate object of ambition. It was the position and connection with the Collegiate Body which they brought with them. Few persons who had held a Fellowship would exchange it for double the amount of money which it brought in. It was easy to say that men ought to study for an abstract idea,

and the absence of any such inducement in German Universities had been referred to. But the German Universities had practically a monopoly of the civil offices of the State, and the learned Professions in that country could only be entered by an academic gate. No doubt, there were some glaring abuses of the present system; but if the Acts were to limit the duration of these non-resident Fellowships, and abolish the condition of celibacy—that monstrous relic of monkish times—these abuses might be got rid of by a stroke of the pen. The right hon. Gentleman had said that such matters of detail might safely be left to the discretion of the Commissioners, guided as they would be by public opinion. But what public opinion? As to public opinion at Oxford, though it was generally favourable to the Bill, it was, as to changes which were expected to follow from the Bill, hopelessly divided. Take the endowment of research, about which it was supposed that there was so strong a feeling among the residents. Only yesterday at Cambridge he asked the opinion of one of the most distinguished men at the University on the subject, and the only answer he got was that the “endowment of research meant the endowment of half the humbugs in England.” The fact that on its way through the House of Lords almost every clause of the Bill had been entirely remodelled was a proof that they had started on their voyage without a chart or a compass. If all such matters were left to the discretion of the Commissioners one of two results would follow. Either, as not unfrequently happened when men were entrusted with irresponsible powers, they would shrink altogether from exercising them, or having, so to speak, had to drive separate bargains with separate Colleges, they would produce a heterogeneous scheme without a principle or a plan. This danger had been pointed out by Professor Bryce in a recent article in *The Fortnightly Review*, in which, after showing the absurdity of dealing with each College separately, he wound up by saying—

“Into whatever department of the projected reforms we look narrowly, it will be found that the same necessity exists for obtaining facts and opinions, and for basing upon these some large and connected plan, whose principles may be applied in the case of each and every College.

A piecemeal reform which attempts to deal with each College by itself will be no reform of the University at all, and will only pave the way for renewed discontent and a renewed cry for legislative interference."

He hoped that this danger might be averted if the Commissioners were required by the Act to do what they had found it necessary to do in 1854—to hold a preliminary inquiry, to publish the results of that inquiry, and, after laying down some definite and comprehensive scheme of reform, to invite the University and the Colleges to fall in with it. If they did so, no difficulty would arise; or if it did, Parliament might find out some mode of solving that difficulty. Other objections might be suggested, but they were matters of detail. The objections to the Bill which he had pointed out were objections not of detail, but of principle, and as such he had thought it right to raise them on the second reading, and he would rejoice to see them removed. Upon this question they had all the same goal in view, though they might strive to arrive at it by different roads. They on that side of the House were as little inclined to revolutionize these ancient seats of learning as their opponents. On the other hand, they were willing to credit hon. Gentlemen opposite with a desire, as honest and genuine as their own, to deal with them in a spirit of sound but temperate reform. And certainly no one on these benches would grudge to the Conservative Party the praise which would be justly theirs if they could succeed in bringing these old Universities, round which the hopes and memories of 30 generations of Englishmen had entwined themselves, into harmony with the requirements of modern society, without destroying their strongly-marked individuality or impairing their time-honoured *prestige*. He would conclude by moving the Resolution of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in view of the large legislative powers entrusted to the University of Oxford Commissioners by this Bill, this House is of opinion that the Bill does not sufficiently declare or define the principles and scope of the changes which such Commissioners are empowered to make in that University and the colleges therein,"—*(Mr. Osborne Morgan,)*
—instead thereof.

Mr. Osborne Morgan

Question proposed, "That the words proposed to be left out stand part of the Question."

LORD FRANCIS HERVEY thought his hon. and learned Friend opposite (Mr. Osborne Morgan) had done well in calling attention to the very extensive powers proposed under the Bill to be given to the Commissioners. Those powers struck him as being very vague, very vast, very unusual, and greatly in excess of those conferred upon the Commissioners appointed under the Act of 1854. But as he was not prepared to say that the powers now proposed to be conferred were, having regard to the circumstances of the case, actually excessive, and as this branch of the subject involved a vast amount of detail he would not on the present occasion enter upon its consideration; nor would he follow his hon. and learned Friend into the question of Clerical Fellowships, further than to suggest the importance of the House being put in possession of accurate information as to the number of Fellowships which were hampered with the qualification referred to. Some of the Fellowships now held by clergymen might be Fellowships, which when they were next vacated, would cease to be held under clerical restrictions. Passing from the speech and the Motion of his hon. and learned Friend he wished to call attention briefly to a proposal which he had himself put upon the Paper, to the effect that the revenues of the University had not been shown to be inadequate to the discharge of the duties incumbent on it. It was a remarkable fact that the University should come before the House and before the country and parade itself as a pauper. It came to Parliament *in forma pauperis* and said "We have no revenues adequate to discharge the duties of the University, and the Colleges must give up a portion of their revenues." This proposal was one involving what must be regarded as a confiscation of property, and he thought the University ought very clearly to make out its case as against the Colleges before Parliament could be expected to accede to its demands. In addition to the income of the University arising from its property an important source of revenue was to be found in the taxation of its members. The University took fees from them on going in for examina-

tions and on taking degrees, besides receiving for each of them a sum of £1 per year. He had never heard that that was an excessive charge or one that the members of so ancient, honourable, and illustrious a corporation could complain of, and he was not aware that the University had ever taken into consideration the propriety of augmenting its revenue by increasing the taxation of its members. But it had another and important source of revenue in the funds of the University Press. The University possessed one-third of the monopoly of printing and publishing Bibles and Prayer Books in this country, and a more valuable or important endowment it was impossible to conceive. Besides having that monopoly the University Press was endowed with the handsome capital sum of £70,000, and until a few years ago there was annually transferred from the profits of the Press Fund to the University Chest a considerable sum of money. Fourteen years ago that sum amounted to £13,000. In 1866 it had dwindled to £4,500; in 1870 to £1,037, while in the following year he found in the Commissioners' Report a blank under the head, "Profits transferred to the University Chest from the Press Fund." How had the University contrived to deal with this important revenue of £13,000 a-year? The subject was involved in mystery. He had obtained an Address for a Return on the subject, and had learned only that evening from the right hon. Gentleman the Home Secretary that the University of Oxford had not vouchsafed any Return whatever to the Address. In fact, he found on looking at the Commissioners' Report that every means had been taken to suppress the account of the Press fund, and no information of any practical value was given. They knew, however, that a net revenue which in 1862 amounted to £13,000 had dwindled to nothing in 1872. Yet the University came to Parliament and said that they were paupers, and that the Colleges must be fleeced to enable the University to carry on its business. But, although the House had had no explanation of the circumstances, he thought he had discovered the manner in which the money had been spent. For some time the directors of the University Press had been so facile in their management of the concern that there was no scribbler in Oxford who could not come to them

with his note-book and say—"Publish the contents of my book, pay me a handsome sum of money, and take the risk on yourselves." And that was what they had, he believed, done in scores of cases. If they had done so in meritorious instances, the expenditure would not be grudged, but what was the character of the books the University had been printing all this time? It was not very long since the whole Liberal Party went mad over the thought of an elementary lesson book which had been referred to. What must have been their feelings when they learned the purposes to which University endowments had been applied and squandered of late years? He held in his hand a list of the works which the University had published, and among them was "A Series of English Classics," with the note "It is especially hoped that this series may prove useful to ladies' schools." That was where the money went to; and then there came all sorts of nice little books which cost the editors no trouble, while they gave them the inestimable pleasure of picking other men's brains. There was "Spenser's Faery Queene; Books 1 and 2, Designed chiefly for the use of Schools." "Specimens of Lowland Scotch." "A First Reading Book;" "Oxford Reading Book for Little Children;" "Oxford Reading Books for Junior Classes." Then he came to the head of "Mathematics," where they would expect to find some abstruse works. But no; they were merely such as "Figures made Easy, a First Arithmetic Book." Lessons in "Bookkeeping," by an Assistant Secretary to the Board of Trade, and so on. It was in the publication of these series that he suspected much of the money went, and yet in the face of it all, the University came and said to Parliament and the country "We have no money, we must have money, and the Colleges must give it." So much for the alleged deficiencies of income. Now, he would look to the side of expenditure which was said to require so great an increase that the funds of the Colleges must be confiscated so as to enable the University to get along. In order to do so he had examined the Report of the Committee of the Hebdominal Council on University requirements, and he found that the requirements were very numerous indeed. There were estimates for buildings and institutions which

came to something like £100,000, which at 5 per cent—including a sinking fund as the University could probably borrow at 4 per cent—would entail a temporary charge of £5,000 a-year. He gave them in the £2,000 for the benefit of the Bodleian Library, of which his right hon. Friend had spoken, and that would make £7,000. But that was barely half of what the University made out of the Press fund when the Press was conducted in a proper way. Why, then, did not the University avail itself of the resources it possessed, instead of trying to lay its hands upon the money of other people? Then there was £2,300 for the roof of the Museum, which was “in urgent need of repairs”—a Museum which had only recently been built and which was one of the greatest disfigurements to Oxford which the present Gothic age had set up. Then it should be borne in mind that included in the £100,000 above-mentioned was a very considerable sum, to the amount of £30,000, demanded as the “roughly estimated” requirement of three heads of departments, those of Biology, Chemistry, and Physics. But the University did not say that the expenditure was necessary. Heads of departments wanted it and asked for it, and that was a very different thing from its being really wanted. Further on in the Report they heard of an increase in the Professoriate. They, however, had in full operation the inter-Collegiate system, which had worked admirably, and what did they want with an indefinite extension of the Professoriate? In 1854 an extension was contemplated, but in that year Parliament expressed itself pretty plainly on the conditions of such extension. Provision was first to be made for the wants and improvement of the Colleges or Halls; and, secondly, but only secondly, for the establishment of the Professoriate on an enlarged basis “in the several main branches of science and letters”—not in Slavonic and Chinese as now was suggested, and “with adequate duties and emoluments.” Now, nothing was heard of duties in the present Bill, and it only made provision for emoluments and pensions. In his opinion an indefinite extension of the Professoriate meant a number of luxurious residences, children in perambulators wheeled about the Parks, picnics in

Bagley Wood, carriages, champagne, and the abandonment of celibacy and of culture. There was a good deal of that already, and complaints were rife of the luxury of Oxford, and of the great expenditure incurred at Commemoration time. Did they think when they had a number of married men living in luxurious leisure that their wives would not be wanting to enjoy the pleasures of society? Of course they would, and he feared they would find education at Oxford a different thing in the future from what it was in the past. Instead of having it conducted by celibate teachers, they would have an increased staff of married Professors, who, of course, would be paid out of the suppressed Idle Fellowships. Then, as to the “idle Fellows,” an expression which was repudiated by the author of the epigram on Idle Fellowships, he supposed Lord Salisbury had been reading a book that he (Lord Francis Hervey) had been looking over the other day, written by a distinguished French architect, M. Viollet-le-Duc, who said that the Fellows of Colleges were men who preserved for the whole of their lives the privilege of lodging in the College, keeping a horse, and drinking beer. He supposed that this was the idea which Lord Salisbury had formed of the non-resident Fellows. He (Lord Francis Hervey), however, should regard it as a great calamity if the Commissioners exercised the power of extinguishing and exterminating all the Fellowships to which no particular duties were attached. If this were done, and if no concern in the management of academical affairs were to be allowed except to resident Fellows, such a fit of stagnation would come over the University that it would be necessary before long to have another extensive Reform Bill. He wished in the next place to warn the House against any proposals for turning adrift the revenues of Oxford, and applying them to the purposes of Leeds, Leicester, Nottingham, Bradford, and other large towns, which ought to be able to pay their own way. He should regard with great jealousy any appropriation of academical funds to provide large towns with lectures, classes, and examinations. There was another point to which he wished to refer—the extreme brevity of the time during which the magnificent buildings at Oxford were open for the

Lord Francis Hervey

purpose of study. How long did education go on? Not for six months. Indeed, he doubted whether the work of study and research went on at Oxford for more than five months in the year. He should like to see some powers given to the Commissioners whereby the leisurely gentlemen who managed the academic affairs of Oxford should be forced to do more for the money they received and make better use of their magnificent foundations. There was not an elementary school receiving a Government grant that was not open for 40 weeks in the year, while the University of Oxford was open at the outside for three terms of eight weeks each in the year. The right hon. Gentleman had made only a passing allusion to a provision not contained in the original Bill, but inserted at the suggestion of the most rev. Primate the Archbishop of Canterbury. The learned Professors and magnates of Oxford in their paper of suggestions never thought of the poor unattached students. It seemed to him that they were only thinking of their own salaries. These students were coming to Oxford with a desire for instruction worthy of the 13th century, but the University of Oxford never dreamt of assisting them. It was reserved for the mellow wisdom, the consideration, and thoughtfulness of the most rev. Primate to plead their cause; and it was much more worthy of the Legislature, instead of multiplying the number of useless Professors, to assist the unattached students. In conclusion, he must thank the House for the kind attention with which they had listened to the remarks he had made on the subject.

MR. CLIFFORD wished to say a few words, as he was the only actual College Fellow in the House; indeed, he had the misfortune to be the "idle Fellow" *par excellence*. He believed the College to which he belonged (All Souls) was considered by some as the greatest abuse in Oxford, and he was the greatest abuse of that College. It would be only proper, therefore, that he should break a lance in favour of the idle Fellow, and, in doing so, in favour of those Fellows who were elected for their attainments and their learning he must observe that the term "idle Fellow" had only been used in a Parliamentary or Pickwickian sense. He was not going to speak against the Bill; indeed, he thanked the right hon.

Gentleman for the very moderate speech in which he had moved the second reading, but he wished to point out some of the difficulties which might impede its progress. Last year and the year before the Address on the opening of the Session had been moved by two hon. Members with an ability which had won the highest praise from the Prime Minister, and both those Members had been in the category of idle Fellows. In the College to which he belonged they were happily exempted from those clerical restrictions that the hon. and learned Member for Denbighshire (Mr. Osborne Morgan) had referred to with regard to birthplace and profession, and now the last restriction as to headship had gone, and the Fellows of the College were elected solely on their literary merits. It used to be the poorest College in Oxford, and was now nearly the richest. The Fellows passed a sort of self-denying ordinance and allowed their leases to run out, so that their estates were now let at rack rents, and their revenue was, perhaps, greater than ought to belong to any College. For the last 10 years proposals for reform had been brought forward in the College itself. There seemed to be nothing so fascinating to the human intellect as attempting to draw up new constitutions, and every one of them connected with the College had been attempting to draw up a constitution. He therefore trusted that the Government would strengthen the hands of the Commissioners, and give them stronger powers than they now possessed of coming to a practical conclusion. A plan had been proposed of founding a second Law Professorship at Oxford, but an idea prevailed in some quarters that the University was already too much saturated with Professorships. Other objects in connection with which the surplus funds of the College were expended were the Bodleian Library, middle-class education, the Civil Service in India, and scholarships for the study of the Telegu language. The whole of the members of his College were agreed that some portions of its revenue might be diverted to aid the University, but, unless the Commission to be appointed had more definite instructions than were laid down in the Bill, he was afraid the College would go on floundering in the vague and uncertain way it had done hitherto. He could not understand the

morbid hatred which seemed to inspire the clause directed against the junior Fellows, and, as it involved an unjust slur upon them, he hoped it would be withdrawn. So far from there being any factious opposition to the Bill from the body to which he belonged, he believed that they would do all they could to enhance the position of their famous University, and for himself, his only desire was to increase the usefulness of the College and the University to which he was attached.

MR. BRISTOWE said, he did not desire to speak with any hostility to the Bill. He did not entertain any objection to the University asking for assistance from the funds of the Colleges, but he did look with a certain amount of dread upon the power to be given to the University over teaching Fellowships and other emoluments of Colleges. That would be a most serious power to vest in the Commissioners, though so far as Cambridge was concerned he believed that a better Commission could hardly be devised. He could not, however, reconcile to himself the Commissioners having the power to impose upon a College a Fellow who was not of their own election. It was impossible to say that under the Bill a theological Professor might not be imposed as a Fellow upon an essentially lay foundation, such as Trinity Hall, for instance, which would thereby lose a great deal of its lay element. He objected to the great powers that were proposed to be given to the Commissioners by the 13th clause to deal with the designs and original intentions of the founders, thinking that the practices of the several Colleges, many of which had endured for generations, ought to have some weight. He did not think it desirable to abolish all "idle" Fellows, if by that term it was meant to include all Fellows who were not engaged in the work of University education, because these Fellowships had always been highly prized as stimulants and encouragements to industry and ambition, and had been of the greatest benefit to the Colleges and the Universities.

MR. LOWE said, that when the House approached the subject some 22 years ago, it did so with great advantages, because one of the ablest Commissions ever appointed had conducted a thorough investigation into the posi-

tion of the University of Oxford, which, besides, had changed very little for 200 years. The system was settled and well understood. Everybody who had been there knew what it was; and, assisted by the labours of the Commission, which poured a flood of light upon every matter with which they had to do, the House came to the consideration of the subject with a knowledge of the minutest details. He was sorry to say that on the present occasion these advantages were wholly wanting. At that time we made up our minds by the assistance of the Commissioners and our own knowledge of the circumstances as to what was good for the University, we embodied the views we entertained with great particularity in a Bill, laying down distinctly the objects we sought to accomplish, and we appointed a Commission which faithfully carried out those views. The work was done in a manner which reflected the greatest credit on the House. It was done with the greatest care and circumspection, and every security was taken that the object in view should be attained. That was the history of the measure of 1854; and now contrast that with the measure now before us. We were now asked to pass a second measure on the subject, but what was the knowledge we possessed of the present state of Oxford? We were told that an enormous change had been wrought by the Bill of 1854. Everybody said Oxford was now a very different place from what it was, but what evidence, what knowledge had we as to the nature of the change? We had none whatever. We knew nothing about it. We knew that great changes must have occurred, for it was impossible to introduce into the University such a change as that made by the measure of 1854—that of throwing open the Fellowships to literary competition without making a great change; but as to the nature of the change and whether it had worked for good or evil we had no information whatever. Now that was a state of things extremely to be regretted. He should like extremely to know—but he had no means of knowing—how this great change had been effected and in what direction it had worked, because that information would guide them most materially on the question of dealing with the matter they were asked to deal with that evening. His in-

formation on this point had been derived from a letter printed in *The Times* some few days ago from the Dean of Wells, a very high authority, that the change which had been made was most beneficial. The Dean said the result of what had been done was to breathe a new life into many Colleges, and make them superior to what they were before. When he had sent up pupils he considered himself fortunate when out of six first classes four fell to his pupils; but not only did the Dean of Wells get a double first-class himself, he got double first-classes for others. He sent three into the school at the same time, and all three obtained a double first-class. No man, then, was better entitled to give his advice on this matter than the Dean of Wells, and he (Mr. Lowe) attached great weight to what he said on the subject. He stated that what had been done had answered wonderfully well, and a melancholy day it would be for Oxford when it was sought to alter it. That was all the information they had—information supplied by a most competent witness—that what was proposed to be done was in a wrong direction. That was how the matter now stood. If the question was to be decided on ordinary principles of common sense—he might say on Conservative or on traditionary principles—he should have thought that on a matter of this kind Government would say to them one of two things, either it was desirable to allow the experiment of 1854 to be worked out—for from the nature of things it had not yet been worked out—or if for some reason or another they were of opinion that it was necessary to break up, shatter, and destroy the experiment the House of Commons then made, at any rate, they should say—“We will enter into an inquiry and let you know how matters stand, in order that you may see whether any remedy is needed, and what the nature of that remedy should be,” so that it might be dealt with as the House did in 1854. He should have thought either one or the other of these courses was inevitable in the state of things in which they found themselves. But such was not the course they were now asked to take. The experiment had not been worked out; no charge was laid before them that the experiment had failed, and yet the course they were asked to take was

to appoint a Commission, without any groundwork of information being laid for that Commission, without proving the least grievance or any reason for appointing it—they were to appoint this Commission and entrust to it the power of entirely revolutionizing, destroying, and re-constructing the University of Oxford. Why were they to do so? He had not heard the slightest suggestion of a reason why the policy which the House solemnly adopted in 1854 should not fairly be worked out—why it should be interrupted in its course and why they should undo all the benefit which had been done. He hoped before the debate closed some grounds would be given why they should act without inquiring, without investigating the subject—why, above all things, they should take the particular line of reversing the very policy adopted in 1854. That was what he had to say to the Bill as it was proposed—in fact, to any Bill on this subject proposed under present circumstances. He thought they had a right to demand that something should be laid before them in the shape of a ground for the action which they were asked to take. It was not because the noble Lord (the Marquess of Salisbury) told them that there were some “idle Fellowships” that such an experiment was to be arrested in midcourse, and that they should be asked to adopt proposals which in 1854 the House entirely rejected. What were the Commissioners to do? They had given to them a power such as had been given to no Commissioners before, for they were to take an ancient and venerable institution into their hands—to make statutes for it such as they pleased, to do what they liked with it, to re-mould and re-cast it, without advice or direction in what way they should act, except simply this—that they were to go against the whole principle of the Act of 1854, and whereas it was thought necessary then to create idle Fellowships the Commissioners might cut them down, destroy them, and apply the proceeds to other purposes. Only a few nights ago the right hon. Gentleman the Lord Mayor of London, argued, not without applause from certain Gentlemen, that Parliament had no right to ask for an account of the manner in which the London Livery Companies spent their money. He could not agree with that doctrine, but now the doctrine

was pushed much further. Because these Colleges possessed a large sum of money, it was to be seized to any extent without any ground of offence being laid, and devoted to other Corporations and to purposes totally alien. He wanted to know, not merely for the sake of the University of Oxford, but for the security of the institutions of the country—of everything founded and held sacred—upon what grounds this property was to be attacked. He was not at all one of those who laid too much stress on the sanctity of corporate property, if they showed a good ground for interference and applied it to better purposes. But to take it from one corporation, as they were asked to do by the Bill, without any ground at all; merely because they chose to do it and had the power to do it, and bestow it on other corporations—to give such an arbitrary power to Commissioners—was so wild, so utterly unusual and unknown in this country and Parliament, that he had a right, not as regards the Universities merely, but as a matter of precedent, to ask the Government to give them some reasonable grounds for such a proposal. The Commissioners had powers almost without limit, powers which he would not give to any one under heaven; and the question was, what confidence could they repose in them? It was a disagreeable and invidious thing to analyze the intentions of a body of Gentlemen, every one of whom was highly respectable; but where the powers given were so large he would not shrink from that duty. He would state his opinion with regard to each and every one of them, for, as he had said, he would object to any men under heaven having such powers delegated to them. Who was the first Commissioner? Lord Selborne. He had had the happiness of knowing him for more than 50 years. He esteemed him highly—no man more so. But what was his characteristic? He was extremely devoted to High Church views. That was his peculiarity. He was also the first Lord Chancellor, he believed, who ever published a book of hymns. Take the next name, Lord Redesdale. As Chairman of Committees of the House of Lords, he had done admirably good service to the country. He was a very able man in all respects, but he had a sort of super-human power of obstruction. The measure they had been discussing that night

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—namely, the melancholy mutilation of the plan for abolishing the jurisdiction of the House of Lords—was entirely owing to Lord Redesdale, and yet he was put forward as one of the Commissioners to re-organize so complicated an institution as the University of Oxford. Let them take another name—the Dean of Chichester, whose pretensions were of such a nature that even the House of Lords could not stand them. He spoke with great respect of the Dean of Chichester, but he believed he had been properly described as a “jocose fanatic”—a character he had built up for himself and maintained with such consistency during life, that if a case were put before him with the Church interest on one side and every interest on the other, it would be impossible for him, with every effort, to give an impartial judgment. The next Commissioner was Mr. Mountague Bernard. He might speak of him freely, because he was a relative of his own. He was a most excellent man, of great ability, and, he thought, he was Liberal in views, but he was the editor of a High Church newspaper. Then came Sir Henry Maine. No one could admire him more than he (Mr. Lowe) did. He was an ornament to the century. His investigation into the ancient laws, customs, and manners of mankind raised him to the highest renown as a literary scientific investigator, but everybody knew that he was a sort of Ministerial agent, an *alter ego*, of Lord Salisbury in the Council of India, and nobody could suppose that in this matter of the University of Oxford he would not act in accordance with the views of Lord Salisbury. Another objection to him was that he was a Cambridge man, and not conversant with the affairs of Oxford. The next was a gentleman whose discoveries had done the country the highest honour, and mankind the greatest benefit. He referred to Mr. Justice Grove. No one respected him more than he (Mr. Lowe) did, but we could not expect that, with his judicial duties, he could give time to the working out of the details of the Commission, or be anything more than an ornamental Member. The last name was that of the hon. Member for North Northumberland (Mr. M. W. Ridley), of whom he had nothing to say except that he believed him to be a perfectly good Commissioner, and he had no doubt he would

give valuable assistance. But he asked the House, if the Commission was such as he had described it to be, was it the sort of Commission to which they would entrust almost absolute power over the re-modelling of that great institution? Was it fair, because they had a majority in that House, that they should impose on them that arbitrary and unconstitutional Bill, and then place the working of it in the hands of such a Commission as he had described? He hoped in that respect it might not be too late to have some amendment. If the House would follow his counsel it would not be to attempt to strike out any names—for that would be invidious—but he hoped the Government would allow him to add some Members to the Commission who would temper the extreme views of the present Members. Why should three or four very High Churchmen be put on the Commission without any counterbalancing element? If they would have the poison, they ought to furnish the antidote by adding two or three raging Low Churchmen. Those things appeared to him to be very well worth consideration. There was not a single Member of that Commission who at present resided in Oxford. He did not know that there was any Member of the Commission unless it was Mr. Bernard, who, he thought, was Professor of International Law, that had ever taught in Oxford or had anything to do with it. It would be wise to put into the Commission some persons who had a knowledge of what was now actually going on in Oxford, who were familiar with the business of the place, and could give advice and assistance. The Government were taking a most unusual course from first to last on this subject. They knew that the feeling at Oxford with regard to this Bill was entirely different from the feeling at Cambridge with regard to the University of Cambridge Bill, although both were identical, and the reason was that Cambridge had confidence in the persons who were to be appointed Commissioners, but Oxford had not. With regard to the proposal to do away with what was called “idle Fellowships,” and to spend money in learning, in research, or in religion, he ventured to say this—that the point of view in which Oxford was regarded by the people of this country was as an educational institution. They thought it was a place to

which young men were to go to be educated, and their view, if consulted, would be to make it a place best fitted for the education of young men. The word “University” was used in a double sense—sometimes merely as a general noun of multitude, instead of enumerating all the Colleges of Oxford, and sometimes, and more properly, it was used to denote the corporate body which conferred degrees. In the sense of corporate body, he ventured boldly to make this assertion, that it was hundreds of years since the University of Oxford educated anybody, and that there was not the slightest chance that any number of hundreds of years hence it would educate anybody again. Since the time of the Reformation and the dawning of learning its office had been limited very much to examining, and very badly it examined, because it selected as its examiners persons who were also tutors, and who were interested, therefore, in the passing of their pupils. The result was that the standard of the examinations was disgracefully low, and, instead of it being an honour to pass, it conferred no honour on any one. The education was carried on not in the University, but in the Colleges, and it was carried on in the Colleges by the tutors and others who were not necessarily connected with the University. Now, so far from their endowments going to improve education, they would tend distinctly to injure and destroy it. The money paid to people to teach other people was money thrown away, unless they introduced in some way or other the principle of competition, so that they should be paid in proportion to their success. But the money spent in prizes to induce young men to qualify themselves to obtain such rewards and a start in life, which might be the making of them, was the very sinew and life of education. The more money they expended in that way the more their Colleges would flourish, and the less they so expended the more their Colleges would decline. But what were they asked to do? To abolish all “idle Fellowships”! They annexed a duty to a Fellowship, and it was no longer a prize. It was no prize to be paid for doing a work; the prize was to be paid for doing no work at all, so that one might have time and means to qualify himself for a rise in life. Although

there was no doubt they would still obtain the services of able men, they should not destroy the great stimulus to industry that existed in those prizes. They were asked to take away from the Colleges those sums that really were the things which filled their Colleges at Oxford and gave them the able and eminent men who went there. They were asked to starve those men, and to bestow those sums on the University, which never had done and never would do anything for education. When a man was incompetent he was to be salaried or pensioned off as a retired or an *emeritus* Professor. He said that their principle was radically wrong and bad; and as one who had had experience of Oxford for 11 years, he did not hesitate to say that every penny they took from these Fellowships in order to endow the University was so much taken from the encouragement of learning in order to propagate laziness and ignorance. Those were his views. He thought they merited more consideration than they had received. He thought they ought to be told what was the necessity to make the great change now proposed, and why they were not to have a Commission constituted with fairness towards all parties; and why, when there were two bodies at Oxford—the University, that did nothing, and the Colleges, that did all the work—the Government proposed to take money away from the Colleges and spend it on the University.

Motion made, and Question proposed,
 “That the Debate be now adjourned.”
 —(*Mr. Grant Duff*.)

MR. GATHORNE HARDY thought it was scarcely reasonable to adjourn the debate at so early an hour.

MR. GOSCHEN presumed that his hon. Friend the Member for Elgin (*Mr. Grant Duff*) had moved the Adjournment because no one had risen to reply to the speech of his right hon. Friend (*Mr. Lowe*), and also because some hon. Members opposite had probably been taken by surprise, and were not then prepared to bring the discussion of so important a matter to a conclusion.

MR. NEWDEGATE said, he had listened with great attention to the speech of the right hon. Gentleman the Member for the University of London,

who undoubtedly was in that House one of the highest authorities with respect to the University of Oxford. But if Her Majesty's Ministers did not intend to reply to that speech, the remedy must be in the hands of the right hon. Gentleman himself, who could propose such Amendments as he thought requisite when the Bill went into Committee. He (*Mr. Newdegate*) had always thought it was a mistake to entrust the control of education in the University to Convocation, and this Bill appeared to him to be a sequel to that great mistake.

THE CHANCELLOR OF THE EXCHEQUER said, the right hon. Gentleman opposite (*Mr. Goschen*) complained that nobody had answered the speech of the right hon. Gentleman the Member for the University of London, but there was, to a certain extent, an explanation of that—namely, that the speech of that right hon. Member answered itself. In the first place, with regard to the reasons why the Bill had been brought forward, it had not appeared to the present occupants of the Treasury Bench that it was at all necessary for them to give an explanation of the reason why something further should be done in respect to University Reform after the measure of 1854. The proposal to reopen the settlement of 1854 originated not with the present, but with the late Government, of which the right hon. Gentleman himself was a distinguished Member. Surely the right hon. Gentleman could not have forgotten that the Commission of Inquiry was appointed by the late Prime Minister, who was himself the author, or, at all events, had charge of the original Bill of 1854. When, therefore, the Government were asked why they did not give the original measure a longer trial, their answer was that its responsible parents were themselves dissatisfied with it. [“No!”] Well, what was the Commission of Inquiry appointed for? [*Mr. Lowe*: The Commission was appointed to inquire into the pecuniary resources of the Colleges.] But was the Commission appointed for the purpose of gratifying idle curiosity, or in order to lay a foundation for some proposals of a practical character? If his memory served him right, the right hon. Gentleman the Member for Greenwich, when he made his appeal to the country two years ago, expressed his intention, if he had a

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majority, of dealing with the question of those endowments; and every one who had the most superficial acquaintance with public affairs knew that that question was being constantly agitated. Was it, then, unnatural that the Government should come forward with proposals on the subject? If the right hon. Gentleman opposite (Mr. Lowe) wished to give the present state of things a longer trial, he ought logically to have moved the rejection of the Bill. Then the Government would have felt themselves bound to meet him. But the right hon. Gentleman pointed out a great many things to which he thought objection might be taken, and he certainly seemed to indicate the necessity, at all events, of ascertaining what improvement could be made. Now, one of the principles of the Bill was that the endowments of Colleges should be made as useful as possible for the purposes of the University, which, surely, was a very reasonable and legitimate proposal. If hon. Gentlemen opposite said they were prepared to consider the question, but that they objected to the Government scheme, then the matter might very fairly be discussed in Committee; but he did not see why the Government should be called upon either to defend the bringing forward of measures which were initiated by their Predecessors, including the right hon. Gentleman himself, or that they were bound to meet objections which the right hon. Gentleman himself had already answered. The right hon. Gentleman, in his trenchant and graphic style, gave a description of the Commissioners, whom he highly praised, but every one of whom, with a single exception, he found unsuitable for the position he was to occupy. Well, it might have been supposed that some of them were to be objected to and struck out. But no! the right hon. Gentleman did not ask for that, he wanted some others. Well, as he could make his proposals on that point in Committee, it was surely unreasonable at the present time to ask for an Adjournment of the Debate. The object of the Government was to proceed with the measure in a serious and business-like manner. If there were objections to it they could certainly be discussed on the second reading; but seeing there was no serious indisposition on the part of the House to read the Bill a second time, it certainly seemed to him ad-

visable under the circumstances to let it proceed without delay to its next stage.

THE MARQUESS OF HARTINGTON said, he thought his hon. Friend the Member for Elgin (Mr. Grant Duff) was perfectly justified, although at an early hour, in moving the Adjournment of the Debate. The debate was about to close in a somewhat unexpected and unsatisfactory manner. No Member of the Government had spoken except the right hon. Gentleman opposite (Mr. Hardy), and neither of the hon. Members representing the Universities, except the right hon. Gentleman, had expressed his views. If it were understood that the discussion on the Oxford Bill could be resumed on the Cambridge Bill, he did not know that there could be any objection to the second reading of the Oxford Bill being now assented to; but he should like to have a clear understanding that a further stage of the Oxford Bill would not be taken until the Cambridge Bill was read a second time.

MR. GATHORNE HARDY thought this proposal was most fair and reasonable, and would accept it at once.

SIR CHARLES W. DILKE observed that really no answer had been given to the objections that had been taken to the Bill. The whole debate, since the hon. and learned Member for Denbighshire had sat down, had been one way. Member after Member had attacked the Bill in a most dangerous way, and no reply whatever had been made to those speeches.

SIR WILLIAM HARCOURT wished it to be clearly understood that on the second reading of the Cambridge Bill any hon. Gentleman interested in the Oxford Bill should be entitled to express his opinions about the Oxford Bill. At the same time, he wished to point out that the operation of the two Bills would be very dissimilar, as the Commissioners were so very different. When would the second reading of the Cambridge Bill be taken?

MR. GATHORNE HARDY said, that if nothing unforeseen happened, the second reading of the Cambridge Bill would be taken as the First Order next Monday.

Motion, by leave, *withdrawn*.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed for Monday next*.

ARMY CORPS TRAINING BILL.

(*Mr. Secretary Hardy, Mr. Stanley, Mr. William Henry Smith.*)

[BILL 182.] SECOND READING.

Order for Second Reading read.

MR. GATHORNE HARDY, in moving that the Bill be now read a second time, said, its object was simply to enable the necessary arrangements to be carried out for the manœuvring of troops in the several localities where it was intended they should take place during the ensuing autumn. In conclusion, he would say he trusted that any discussion that might be considered necessary would take place on a future occasion.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Secretary Hardy.*)

MR. J. HOLMS, who had a Notice of Motion on the Paper that the Bill be read a second time that day three months, said, his object was not to prevent the assembling of the forces, but he thought the House was entitled to more substantial explanations than it had yet been put in possession of. The real fact was that the object of the Bill was to provide further training of two Army corps, which was part of a scheme for the mobilization of troops which had not yet been submitted to the House.

MR. SPEAKER ruled that the hon. Member was out of Order in referring to the subject he proposed to discuss, which did not come within the scope of the Bill. He would have an opportunity of doing so on the Report of Supply, but in the present debate his doing so would be out of Order.

MR. CAMPBELL - BANNERMAN thought the Bill of the right hon. Gentleman required careful consideration. The term "Army corps," was a term not known to Parliament, and this was practically the first formal introduction into Parliament of the Localization Scheme, upon which he should have thought, subject to correction, that his hon. Friend the Member for Hackney might have discussed the question.

SIR ALEXANDER GORDON said, that this year the troops were allowed to encamp within the area of all lands specified in the Schedule, while last year they were only allowed to occupy uninclosed lands, and such as were pointed

out by a Commission. This year there were nine areas, instead of one area, and the consequences would be very serious to many occupying private property. He asked that a copy of the Army Corps Training Bill, showing the alterations, might be laid on the Table before the second reading of the Bill was moved. There were not 10 Members in the House who knew what they were asked to assent to.

SIR WILLIAM HARCOURT said, that, upon the point of Order, it was well to bear in mind that the Preamble of the Bill referred to "Army corps," a term quite new in legislation. He would like to know what it meant.

MR. STANLEY said, although it ought to be pretty well known by this time what an Army corps was, he was willing to gratify the thirst of the hon. and learned Gentleman opposite for all kinds of military information. It consisted of the three arms of the Service—namely, the Infantry, the Cavalry, and the Artillery combined. It was divided into divisions and brigades, the latter consisting of two or more regiments. He trusted that this information, and the assistance derivable from *The Army Lists* published since last December, would enable his hon. and learned Friend to approach the subject with more information than he had hitherto displayed to the House. This year private arrangements had been made with the owners of property where the troops were to be encamped; but it might happen that short distances of occupation, roads, and of ground otherwise inclosed might require to be marked out. Unless such cases were provided for, a great portion of the Act of last year would be practically nugatory, and therefore it was necessary to modify its provisions. He thought the question might be more opportunely raised on the discussion of the Motion of which the hon. and gallant Member for Galway (Captain Nolan) had given Notice.

CAPTAIN NOLAN hoped that the important change which had been made in the organization of the Army would be fully discussed, and expressed his belief that the manœuvres did not injure private property anything like so much as fox-hunting.

MR. HAYTER asked whether the Government would give the hon. Member for Hackney (Mr. J. Holms) the

opportunity of raising the question on the Report of Supply?

COLONEL MURÉ thought it would be better to defer a discussion until the experiment had been tried. He congratulated the right hon. Gentleman the Secretary for War on the attempt which the Bill would make of placing the Army on a more satisfactory footing.

MR. GOSCHEN said, the point raised by the hon. and learned Member for Oxford (Sir William Harcourt) had been imperfectly understood. What he desired to do was to call attention to the fact that the term "Army corps" was for the first time used in the proposed legislation, and he desired to ascertain whether the passing of the Bill would be construed into a Parliamentary recognition and sanction of the new mobilization scheme while there were Notices of Motion in the Order Book which impugned the whole scheme.

MR. GATHORNE HARDY said, he would admit that the expression "Army corps" was for the first time used in a Parliamentary measure, and it had been used in *The Army List* only since December last. The Bill would not commit the House to an approval of that particular mode of dealing with troops which was known as mobilization; all that it would do was to authorize what was necessary to be done in calling out a body of troops whom it was proposed to form into two Army corps. With regard to another point, this mobilization scheme appeared in *The Army List* of December; it was commented upon in a pamphlet and in speeches by the hon. Member for Hackney; it was mentioned in the speech when the Army Estimates were brought in; there were four discussions upon them, and it remained to be discussed in connection with the Motion of the hon. and gallant Member for Galway. He did not think therefore he need enter into further explanations on the subject now.

Question put, and *agreed to*.

Bill read a second time, and *committed for To-morrow*, at Two of the clock.

JURORS' QUALIFICATION (IRELAND)

BILL—[BILL 127.]

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland.*)

SECOND READING.

Order for Second Reading read.

SIR MICHAEL HICKS-BEACH, in moving that the Bill be now read a se-

cond time, said, the Act of 1871 instituted a certain rating qualification, which after a short time, it was found necessary to raise by the Act of 1873. A Select Committee sat on the Irish Jury system for two sessions, and they reported unanimously that the rating qualification fixed by the old Act was too low, and that it should be raised somewhat higher than it was by the temporary Act of 1873. When he came to look into the question it occurred to him that it might be settled by adopting a household qualification as better than one derived from holding a certain number of acres of land. He had, therefore, adopted the principle based on the rateable value of houses, and had supplemented it by a qualification arising from occupation of lands, tenements, or hereditaments, but upon a higher basis than under the existing law. He also proposed to add freeholders to the value of £10, and leaseholders to the value of £20 per annum. The right hon. Baronet concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Michael Hicks-Beach.*)

CAPTAIN NOLAN said, that as there were several alterations which ought to be made, he trusted that an opportunity would be given for discussion at the next stage of the Bill.

THE O'CONOR DON said, having sat on the Committee, he wished to state that the right hon. Gentlemen the Chief Secretary for Ireland had fairly embodied in the measure the unanimous recommendations of the Committee, and he would be sorry to see any difficulties thrown in the way of the passing of the Bill. In his opinion it was a just and fair measure.

Question put, and *agreed to*.

Bill read a second time, and *committed for Thursday*.

SUPREME COURT OF JUDICATURE

(IRELAND) BILL—(*Lords*).—[BILL 161.]

(*Mr. Solicitor General for Ireland.*)

SECOND READING.

Order for Second Reading read.

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET), in moving that the Bill be now read a second time,

said, that a full opportunity would be given at a Morning Sitting for discussing the measure on the Motion that the Speaker leave the Chair. The main object of the Bill was to extend to Ireland the great and beneficial change already effected for England—namely, that Equity and Common Law should be concurrently administered. There were peculiar facilities for carrying out this reform in Ireland, as all the Judges who adorned the Bench in that country had, when at the Bar, practised both in the Common Law and Equity Courts; and all those Courts were already gathered under one roof in the same building. As to the main objects of the Bill there could, he believed, be no controversy; that could only arise as to the machinery intended for carrying them out, and such questions could best be discussed in Committee. He would, therefore, at present simply move the second reading.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Solicitor General for Ireland.*)

MR. LAW said, he did not intend to oppose the Motion, for in his opinion it was desirable that the changes made in the system of Judicature in England should be introduced without further delay in the Irish Judicature also. There were, however, some points to which he wished to call attention. It was in Ireland of even more importance than it was in England that there should be a strong Court of Intermediate Appeal, and he therefore objected to the exclusion from it of the Master of the Rolls. He objected also to the proposal of making the Probate Judge a merely nominal Judge of the Court of Common Pleas. They should, he thought, transfer not only the Judge, but also the Probate jurisdiction to that Court, and leave it to the Judges to arrange among themselves for the transaction of that as well as other business. A similar objection lay to making the surviving Bankruptcy Judge a merely nominal Judge of the Court of Exchequer; to which he might add the observation that the jurisdiction was one which belonged more naturally to the Court of Chancery. The Treasury, too, he found, was not only to fix the salaries of officers, but was also to inter-

fere in the internal arrangement of their duties, as if the Irish Judges could not be entrusted to perform that business for themselves. This had not been attempted in England, and he objected to its being done in Ireland.

SIR COLMAN O'LOGHLEN objected to certain details of the Bill, more especially to the provision relating to the proposed re-construction of the Common Pleas Division of the High Court of Justice. More Judges ought to be secured for it, especially seeing it had to do Election Petitions.

THE O'CONOR DON thought the Judges of the Landed Estates Court would be placed in an unfair position by the Bill. All the Judges ought to be in the same position with regard to all matters, as they were all members of the Supreme Court.

Question put, and *agreed to.*

Bill read a second time, and committed for *Thursday.*

SUPPLY. REPORT.

Resolutions [8th June] *reported.*

SIR H. DRUMMOND WOLFF called attention to the transfer of Votes involving increase of expenditure from Class 5 to Class 1. The complaint was that this year, for the first time, the house-rents for some of our Ministers abroad had been transferred from the Vote for the Diplomatic Service to the Vote for the Office of Works, and that some of these votes had been "surreptitiously" increased without any sufficient reason and without explanation, and this change, he contended, was contrary to the practice of the House and to a formal Resolution, if not, indeed, in contravention of an Act of Parliament. He would conclude by moving, on account of the lateness of the hour, that the House do adjourn.

Motion made, and Question proposed, "That this House do now adjourn."—(*Sir Henry Drummond Wolff.*)

MR. W. H. SMITH denied that there had been any attempt on the part of the Government to take the House by surprise and smuggle the Estimates through. The Vote he referred to, that for the Legation House at Brussels, was No. 25, and the particulars of it were fully

set forth in the Estimates. The facts were these—The lease, which had been held by the Government and not by the Minister, had expired. It was proposed that the Government should purchase the house: but on the report of an officer of the Board of Works, who was sent over to make inquiry, it was determined to take another lease for a period of years at a rent of £720. They might have been wrong, but they acted on the best authority, and the course taken with regard to the Votes was taken on the advice and at the request of the Controller and Auditor General. He would not notice the tone of his hon. Friend, but so long as he held his present position he would always endeavour to give to the House, and to every hon. Member the fullest information on every Vote in his power. He hoped the House would acquit him of the charge of evasion which the hon. Member had brought against him.

SIR H. DRUMMOND WOLFF explained that he made no charge of evasion against the Secretary of the Treasury; but he did against the Foreign Office, and that charge he repeated.

MR. RYLANDS thought the hon. Member for Christchurch had done good service by calling attention to a total increase of £2,000 in the Vote for the Brussels Embassy, of which there was no trace in the Votes.

MR. BOURKE defended the course which had been taken, and which, he said, had been taken at the instance of the Auditor and Controller General. As regarded the Legation House at Brussels, he would remind the House that rents had gone up all over the Continent. It was now for the House to decide upon whether they were to follow the course recommended by the Auditor General or revert to the old one.

THE CHANCELLOR OF THE EXCHEQUER denied that there had been any attempt at evasion. It would be easy to show by a note in Class 5 what changes were going on. If, however, the House desired it, the whole of these expenses should be set forth under Class 5 in the Estimates.

In reply to Mr. C. B. DENISON,

LORD HENRY LENNOX stated the Supplemental Estimate for the new road at Hyde Park Corner could not be brought forward until about the 9th of July; but the model and plans of the

road would be deposited in the Library of the House; and though he could not order a census of the traffic at that point to be taken, the Commissioners of Police would no doubt be ready to undertake it.

Motion, by leave, *withdrawn*.

Resolution *agreed to*.

SUEZ CANAL (SHARES) BILL.

On Motion of Mr. CHANCELLOR of the EXCHEQUER, Bill for making provision respecting Shares in the Capital of the Universal Company of the Maritime Canal of Suez, acquired on behalf of the Crown, *ordered* to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. WILLIAM HENRY SMITH.

Bill *presented*, and read the first time. [Bill 189.]

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Tuesday, 13th June, 1876.

MINUTES.]—PUBLIC BILLS—*First Reading*—Provisional Orders (Ireland) Confirmation (Coleraine, &c.) * (107); Local Government Provisional Orders, Aberavon, &c. (No. 7) * (108); Public Health (Scotland) Provisional Order (Wemyss) * (109); Local Government Board's Provisional Orders Confirmation (Chelmsford, &c.) * (110); Local Government Board's Provisional Orders Confirmation (Birmingham, &c.) * (111); General Police and Improvement (Scotland) Provisional Order Confirmation (Paisley) * (112); General Police and Improvement (Scotland) Provisional Order Confirmation (Perth) * (113); Elementary Education Provisional Order Confirmation (Tolleshunt Major) * (114), and *referred* to the Examiners.

Third Reading—Trade Union Act (1871) Amendment * (98); Oyster and Mussel Fisheries Order Confirmation * (86); Salmon Fisheries * (72), and *passed*.

Their Lordships met;—

PROVISIONAL ORDERS (IRELAND) CONFIRMATION (COLERAINE, &c.) BILL [H.L.]

A Bill for confirming certain Provisional Orders of the Local Government Board for Ireland relating to waterworks in the Towns of Coleraine, Dungannon, Keady, Portrush, and Waterford—Was *presented* by The LORD CHANCELLOR; read 1^a; and *referred* to the Examiners. (No. 107.)

LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDERS CONFIRMATION (CHELMSFORD, &C.) BILL [H.L.] (NO. 110.)

A Bill to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Chelmsford and Merthyr Tydvil and the Borough of Peterborough (two): And

LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDERS CONFIRMATION (BIRMINGHAM, &C.) BILL [H.L.] (NO. 111.)

A Bill to confirm certain Provisional Orders of the Local Government Board relating to the Borough of Birmingham, the Rural Sanitary District of the Chesterfield Union, the Districts of Dawlish and Keswick, the Rural Sanitary District of the Leek Union, the Borough of Maidstone, the Districts of Mistley, Moss Side, and Southend, the Rural Sanitary District of the Tadcaster Union, and the Districts of Wal-lasey and Weston-super-Mare:

Were *presented* by The Earl of JERSEY; read 1^a; and *referred* to the Examiners.

GENERAL POLICE AND IMPROVEMENT (SCOTLAND) PROVISIONAL ORDER CONFIRMATION (PAISLEY) BILL [H.L.] (NO. 112.)

A Bill to confirm a Provisional Order under the General Police and Improvement (Scotland) Act, 1862, relating to the Burgh of Paisley: And

GENERAL POLICE AND IMPROVEMENT (SCOTLAND) PROVISIONAL ORDER CONFIRMATION (PERTH) BILL [H.L.] (NO. 113.)

A Bill to confirm a Provisional Order under the General Police and Improvement (Scotland) Act, 1862, relating to the Burgh of Perth:

Were *presented* by The LORD STEWARD; read 1^a; and *referred* to the Examiners.

ELEMENTARY EDUCATION PROVISIONAL ORDER CONFIRMATION (TOLLESHUNT MAJOR) BILL [H.L.]

A Bill to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for Tolleshunt Major, in the county of Essex, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same—Was *presented* by The Earl of DERBY; read 1^a; and *referred* to the Examiners. (No. 114.)

And having gone through the Business on the Paper, without debate—

House adjourned at a quarter past Five o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 13th June, 1876.

MINUTES.]—PUBLIC BILLS—*Ordered*—Bow Street Police Court (Site)*.

Second Reading—Parliamentary and Municipal Registration (Boroughs) [108]; Nullam Tempus (Ireland)* [167].

Committee—Army Corps Training [182]—R.P.: Offences against the Person [1]—R.P.

Committee—*Report*—Poor Law Amendment [78-190]; Smithfield Prison (Dublin)* [163].

Third Reading—Burghs (Division into Wards) (Scotland) Amendment [166], and *passed*.

The House met at Two of the clock.

COLLIERY ACCIDENTS—THE WIGAN COLLIERIES.—QUESTION.

MR. MACDONALD asked the Secretary of State for the Home Department, If his attention has been called to a paragraph in the "Colliery Guardian," of date May the 26th, which gives a brief account of a coroner's inquest which was held on the 16th of May, in respect to the death of one Francis Bohan, who was injured in the Moss Pit, near Wigan, on the 1st of April, and died on the 11th of that month; if he has seen it is there stated by Mr. Hedley, Her Majesty's Inspector of Mines for that district, that—

"when he visited the place he found the ventilation very weak, and that the edge of the gob showed a good deal of gas,"

and to which he subsequently added—

"If people would continue to use gunpowder near gobs full of gas they might be pretty sure to have accidents;"

and, if in the circumstances he had directed that a prosecution should take place against the person who designates himself the owner of the mine for having had the mine at that date in a state "reasonably calculated to endanger the lives" of those that were employed in it? Also, if his attention has been called to an inquest touching the death of one William Radford, who, with five others, was injured by an explosion in the Bryn Hall Colliery, Wigan, on the second of May; if he has been informed by the inspector of the district, Mr. Hall, that the owners, or others for whom they ought to be responsible, so changed the condition of the mine that he the inspector was unable to tell how

the explosion had occurred; and, whether he is about to order, or has ordered, proceedings to be taken against the owners of the mine for placing it beyond the power of the inspector to tell the cause of the disaster?

MR. ASSHETON CROSS, in reply, said, that the accident occurred at the Moss Pit mine, near Wigan, on Saturday, the 1st of April, and the manager's report of it reached the Mines Inspector on the following day. The Mines Inspector went and visited the mine on Tuesday, the 14th, having had an engagement which prevented his doing so on the Monday. With the assistant Inspector he then examined the mine, and they both then agreed that the ventilation was inadequate, and that gas was visible at the edge of a gob near which a shot had been fired. One man was injured, who died on the 11th, and an inquest was held, at which the Inspector attended, when, on carefully cross-examining the witnesses, he failed to elicit any evidence as to the gas being present at the time of the accident. The jury returned a verdict of manslaughter against the person who discharged the shot. Previous to the inquiry the Inspector looked on the case as one that would furnish good cause for a prosecution; but the evidence given before the Coroner convinced him that a conviction could not be obtained. Another accident occurred at the Bryn Hall Colliery, Wigan, on the 2nd of May. The manager's report reached the Inspector on the 4th. It was then stated that six men had been slightly injured, and the Inspector inspected the mine on Monday, the 8th. On the 9th one of the injured men died, and an inquest was opened, which was adjourned. At the adjourned inquiry the evidence went to show that the mine was well ventilated and clear of gas, and the verdict of the jury was that neither the foreman nor the workmen were to blame, but they recommended greater precaution in working the mine in future. The Inspector said the result of his inspection of the mine was satisfactory, and he found no gas; but that, unfortunately, through a mistaken estimate of the injuries sustained at the time, and the expectation that no injury would be necessary, the shot hole from which the powder was stated to have been blown out was not left untouched, which would

have afforded definite evidence of the character of the accident. It was a question whether under the Act the mine owner was required to retain the mine in the position in which it was left by the accident until the Inspector had made his visit. The Inspector's opinion was that the circumstances did not seem to warrant the institution of proceedings in that case. It was, however, to be regretted that the Inspector did not put off any other engagement to go and inspect the mine immediately he heard of the accident, and the Home Office had given instructions to insure that that course would be taken in future. He believed that the Inspector did make use of the words—"If people would continue to use gunpowder near gobs full of gas, they might be pretty sure to have accidents."

LOSS OF THE "*AGRIGENTO*."

QUESTION.

MR. T. E. SMITH asked the Under Secretary of State for Foreign Affairs, Whether the statement in the "*Times*" of the 20th May is correct, that "In the matter of the loss of the "*Agrigento*," the proceedings are most unsatisfactory; indeed the Court of First Instance, before which the inquiries both as to the loss of life and as to the question of damages are being made, has violated the existing Treaty between this country and England; for England being on the footing of the most favoured nation under a recent Treaty of Commerce and Navigation between Greece and Spain, it was necessary that a citation should have been served upon the English Consul, in order that he might attend the examinations; So far, however, was this from being done, that both the Consul and his agent were refused admission when they applied personally at the court, Although the tribunal, after an investigation of four weeks duration, has not yet been able to determine whether there exists a case for the higher Court; and although the responsibility of the affair is thus still undecided, the Italian captain has been allowed to leave the country, while the captain of the "*Hylton Castle*" is detained;" and what steps the Government have taken in the matter?

MR. BOURKE, in reply, said, the question had received, and was still receiving, the earnest attention of the Go-

vernment. That ship was still under arrest, but the captain had never been in confinement. It was the opinion of the Government that the Consul or his agent ought to attend the examination. It was not desirable to state more than this now, because the matter involved a delicate question of International Law and also an important question of policy; but he had no doubt the course which the Government would adopt would be one that would recommend itself to the hon. Member and the House.

ENDOWED SCHOOLS—PERSE GRAMMAR SCHOOL.—QUESTION.

MR. MONK asked the Vice President of the Committee of Council on Education, Whether he can inform the House of the cause of the dismissal of Mr. F. C. Maxwell from the situation of Assistant Master of Perse Grammar School, Cambridge, by the Head Master, Mr. J. B. Allen; and, whether he can lay any Correspondence on the subject upon the Table of the House?

VISCOUNT SANDON: I have no knowledge whatever of the case to which the Question refers, and I have no jurisdiction whatever over Grammar schools. The control of the masters of those schools rests generally with the Governing Bodies of those schools. I have referred the Question to the Charity Commissioners, and they inform me that no correspondence has passed with them on the subject of the dismissal of the second master; so I am afraid I can give no further information on the matter.

NAVY—MR. HENWOOD'S PETITION. QUESTION.

COLONEL BERESFORD asked the First Lord of the Admiralty, Whether, in reference to the fourth paragraph of Mr. Charles Henwood's Petition, in which he states that the so-called "confidential" documents were "furnished to him by the Solicitor of the Admiralty," he is satisfied and now prepared to state, notwithstanding "Mr. Bristowe the gentleman referred to was dead," that no grounds whatever exist, nor can it be remotely inferred, that the so-called "confidential" documents were surreptitiously obtained by Mr. Henwood; and further that the printing of those documents and the publication of the

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confidential reports of Sir Spencer Robinson and the honourable Member for Pembroke, were the acts solely of the Admiralty and their officers in the years 1870-71?

MR. HUNT denied that he had ever stated that Mr. Henwood had obtained confidential documents surreptitiously. Subsequently to the publication of the Papers relating to the *Captain*, Mr. Henwood, who commenced an action, he believed, against the printer, obtained a subpoena against the Solicitor of the Admiralty to produce the documents in question.

ARMY CORPS TRAINING BILL. QUESTION.

SIR ALEXANDER GORDON asked the Secretary of State for War, Whether he will lay upon Table of the House a copy of the Army Corps Training Bill, showing, by Clauses in juxta position, the alterations proposed from the Military Manœuvres Act passed last Session, before he moves the Third Reading of the Bill in question?

MR. GATHORNE HARDY, in reply, said, the object of the Army Corps Training Bill was entirely different from that of the Military Manœuvres Act. It only proposed to take very limited powers in respect to nine different places, and he did not think that any good purpose would be answered by placing the clauses in juxta position.

POOR LAW AMENDMENT BILL. [BILL 78.] (*Mr. Sclater-Booth, Mr. Salt.*) COMMITTEE. [*Progress 8th June.*]

Bill considered in Committee.

(In the Committee.)

Poor Law Amendments.

Clauses 13 and 14 agreed to.

Clause 15 (The 7 & 8 Vict. c. 101, s. 25, extended).

MR. SCLATER-BOOTH, in reply to a question, stated that the object of the clause was to render a married woman living separate from her husband responsible for the maintenance of her children who might become paupers.

Clause agreed to.

Clauses 16 to 19, inclusive, agreed to.

Clause 20 (Trustees may pay cost of pauper's relief out of annuity payable to such pauper).

MR. MELLOR moved, in page 5, line 30, to leave out from "him" to "such society," in lines 35 and 36, and insert—

"As a debt, or from his executors, administrators, or assigns, in case of his death the sum so expended by them as aforesaid, and the managing body of such society after notice from the clerk, served previously to the money being paid over, shall be required to pay the same and shall be exonerated on payment thereof from any further liability."

The hon. Gentleman said, he knew the case of a woman who was for 18 years kept as a pauper lunatic in the County Asylum, and it turned out that she was entitled to a considerable sum of money, and the relatives were compelled to recoup the parish the whole cost of her maintenance. Another and a similar case occurred last year. Had those paupers died in the Asylum the cost of their maintenance would have been borne by the Union, and the money which was recovered would have been lost to the ratepayers. By the alteration he proposed the Board of Guardians, under such circumstances, could recover any such advances with great facility and certainty.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 21 to 27, inclusive, agreed to.

Provisions as to the Law of Settlement and Removal.

Clause 28 (Settlement for Irish persons by residence).

MR. PELL moved, in page 7, line 30, to leave out "born in Ireland." Nothing could be more unfair to the poor of this country than the present Law of Settlement, the remnant of a monstrous code designed to prevent the industrial classes seeking their bread where they could best obtain it. Any attempt of the poor man to leave the poor parish, to exchange low wages where his labour was not required for higher terms where he would be welcome, was jealously impeded and interfered with by the various Laws of Settlement. Of late years these and the Laws of Removal had been somewhat modified, and further advance in the right direction was suggested in

this Bill for the Irish poor. If this proposal was fair and just towards our fellow-countrymen in Ireland it was impossible to resist logically, or with effect, its application equally to those born in England and Scotland, on whose behalf, with every confidence that the Committee would support him, he moved his Amendment to leave out the words "born in Ireland." The large book he held in his hand was the one volume of Burne's Justice which treated of the Poor Laws, and he ventured to assert that more than one-third of it was taken up with the question of Settlement, one-half or more of which would disappear from the volume if this Amendment was accepted. He prayed the House to reflect on the condition of a widow and her children whose husband coming, perhaps, from the extreme North to settle, marry, and earn his bread in the South, left her unprovided for and dependent on poor relief. If removable, though after many years' association with local friends and employment, she might find herself transported to the midst of new scenes and new faces, without a friend to stand by her, while the litigation on this head was continual and most costly. He trusted the Government would accept his Amendment.

MR. RATHBONE said, he felt it his duty to oppose the Amendment. The question of Settlement was one which ought to be dealt with as a whole, and dealing with it in a partial way would simply tend to create one injustice instead of another.

LORD ESLINGTON contended that as the subject of Settlement had been introduced into the Bill, it was only common justice that the advantages enjoyed by Irishmen should be extended to others.

MR. SCLATER-BOOTH hoped the Committee would not enter upon a discussion of the general Law of Settlement. He pointed out that the grievance complained of by Irishmen was that a poor person who came over here from that country without any *animus revertendi* was liable, nevertheless, when he became a pauper, to be sent back to his native place, and that considerable hardship was thus often inflicted. He did not think, however, that anything would be gained by the adoption of the proposed Amendment, while he admitted that the question which it involved was one which

was rapidly ripening in the public mind, and one with respect to which legislation could not be long deferred.

MR. STANSFELD supported the Amendment. He objected to exceptional Poor Law legislation in regard to Ireland, which he declared did not commend itself either to Irish or English Members. He regretted that his right hon. Friend should have thrown away so good an opportunity of introducing a very important and valuable change in the English Law of Settlement.

CAPTAIN NOLAN said, the people of Ireland did not act upon a principle of reciprocity in cases of removal of English paupers. The Irish did not send the English poor who became chargeable to the Irish back to England. In Ireland they had no Law of Settlement. He should certainly support the Amendment.

MR. FLOYER was of opinion that considerable difficulty would arise if they adopted the Amendment of his hon. Friend. The object of the clause was in the interest of the poor, and with regard to the Irish, he thought a great many Irishmen would be glad if they could be sent back to Ireland. He approved of the principle laid down in the clause by his right hon. Friend the President of the Local Government Board, who had charge of the Bill, and he hoped the right hon. Gentleman would hold by it.

MR. LAW said, he was prepared to vote for the Amendment of the hon. Member for South Leicestershire. It would go further than the Bill did at present towards abolishing the Law of Settlement by extending the same boon to the English as was proposed for the Irish pauper. A Committee of this House in 1847 strongly recommended the abolition of the Law of Settlement; but now, 30 years afterwards, we found ourselves just as we were, and if the House was not now prepared to accept the Amendment of the hon. Member the probability was that we should in a quarter of a century be exactly in the same position. It was not desirable that there should be any difference between the laws of England, Ireland, and Scotland; and certainly the workpeople from one part of this United Kingdom should not be treated as aliens in another. It was time to adopt a uniform system in dealing with paupers born anywhere

within the Kingdom, and he should therefore support the Amendment.

MR. ASSHETON also supported the Amendment, though he thought the better course would be to omit the clause altogether, leaving the question of the Law of Settlement to be dealt with separately.

MR. MACDONALD said, that the Amendment, so far from being an injury, would confer a benefit on the English labourer. He condemned the Government proposal as nibbling with the question.

MR. SCLATER-BOOTH held that the Amendment would not be a boon to the English pauper, because he might often prefer to go to his three years' residential settlement rather than to his natural settlement. The advantage of this clause was that it gave, for the first time, the Irish labourer in this country a settlement. The English labourer had a settlement already, and if he wished to improve that, he should wish, not to confine it to three years, but to make it a two years' or one year's settlement. The Bill would get rid of some of the scandals which now existed in the Law of Settlement; but he had not dealt with this question as a whole, partly from want of time, partly because he thought it ought to be treated in a separate measure, and partly because opinion was not ripe; but he admitted that public opinion was growing in the direction of abolishing settlement, and as soon as he could find time to do so he would endeavour to deal with the question.

MR. CLIVE asked the right hon. Gentleman to re-consider the Amendment, with a view to its adoption, which would be a step towards the abolition of the Law of Settlement.

MR. CLARE READ considered the preferable course would be in the framing of the Bill to strike out the whole of the clauses relating to Settlement. It was simply nibbling with a great question. It was a great hardship that after a man had left his native county and secured a settlement in another part of the county, where he had lived for many years, perhaps married and brought up a family, he should be sent back to the place in which he had originally secured his settlement. At all the conferences he had attended the law as it at present existed had been condemned

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in toto, and its abolition would be but just and right.

MR. MUNTZ thought they ought to be content with the promise given by the President of the Local Government Board, and adopt the Bill as now proposed on the assurance of the right hon. Gentleman that the Government would, as soon as possible, take the whole question of Settlement into consideration.

MR. CARPENTER-GARNIER submitted that the Government would be wise to accept the Amendment, or else withdraw the clauses relating to the Law of Settlement. He should be glad to see the existing Law of Settlement done away with, and supported the Amendment as an important step in that direction.

MR. M'LAREN thought this clause should be altogether withdrawn. If it were not, he should certainly vote for the Amendment. He could not see that there was any principle to authorize the introduction into an Act of Parliament of anything about nationality. He objected to putting into any Act of Parliament that an Englishman, a Scotchman, or an Irishman was to have some privilege which was not accorded to the other nationalities. They were all British subjects, part and parcel of the United Kingdom. It appeared to him that the main difficulty had been scarcely referred to in this discussion. The main difficulty, he apprehended, was this, that Irish paupers crowded into England and Scotland because there was no Law of Settlement in Ireland. Until they made a Law of Settlement for poor Irishmen in their own country, like that existing for poor Englishmen and poor Scotchmen, they would do no good. As to the clause now before the House, its only effect would be to facilitate a greater number of Irish paupers being settled in England, whilst the proposed Amendment would give the same facilities in regard to Scotland. He denied that there was at present any difficulty in Irish paupers getting a settlement in England or Scotland. On the contrary, great facilities were afforded them, and in consequence of those facilities England and Scotland were unduly burdened by the Irish paupers they had to support, but who ought to be supported by rates levied on the lands of Ireland.

Lately there had been laid on the Table a Return bearing on this matter. It showed that there were 36,000 Irish paupers in one half-year in England and 40,000 in the other half of the same year. The hon. and gallant Member for Galway (Captain Nolan) had stated that in Ireland there was no power to return English or Scotch paupers. That was quite true, and he would be delighted to give them every facility for doing so. How many, however, would they be able to return as against the 40,000 Irish paupers maintained by England? Why, there were only 153 English-born paupers maintained in Ireland, so that, if clauses were put into this Bill to send those 153 back to England, it would be a very small matter. A still more expensive class was the lunatic paupers. There, again, the difference was enormous. There were 15 English-born lunatic paupers maintained in Ireland in one half-year, and 23 in another, but there were 1,280 Irish-born lunatics maintained in England. He would be quite willing to give his Irish Friends power to return the 15 or 23 to England, but if they did that, how could they ask England to maintain their 1,280? The case with Scotland was still worse, the proportion of ordinary paupers and pauper lunatics sent from Ireland being much larger. Whatever evil England suffered in the matter Scotland suffered it at least doubly. He repeated that the only effect of this clause would be to give additional facilities to Irish paupers to settle in England, whilst by an Amendment to the next clause it was proposed to give them the same facilities in Scotland. He thought they should make a Law of Settlement so as to make it to the interests of poor men to stay at home instead of forcing them to come here. At present it was no secret that lunatics were sent over from Ireland, landed at Liverpool, and sent direct to the lunatic asylum. They were sent over for the express purpose of being maintained out of the English rates. He was not asking any privilege for Scotland. He wished all three countries to be on the same footing; but to confer this special privilege on Ireland by Act of Parliament seemed to imply that the Irish labourer was much more valuable than the English or the Scotch. He found that the number of Scotch paupers who became

chargeable to England was very trifling, and that whilst in Lancashire there were 251 Irish-born pauper lunatics, there were only 13 Scotch-born, showing that Scotland was not in the habit of sending her paupers over the Border in order to get rid of the burden. He hoped the clause would be withdrawn, or postponed.

MR. SCLATER-BOOTH might stop that discussion by stating at once that he saw plainly it was the feeling of the Committee that the proposals of the Government should be extended to all paupers, whether English or Irish. He had been afraid to make that proposition, because he did not wish to enter on the general question of the Law of Settlement. He therefore proposed now to adopt the Amendment of his right hon. Friend the Member for South Leicestershire (Mr. Pell), and then he hoped the clause might pass. He would next suggest that the five following clauses should be struck out, with the understanding that, if necessary, he should be entitled to strike out this clause also when the Report was brought up.

MR. PELL thanked the Government for accepting his Amendment.

CAPTAIN NOLAN said, that if this clause was struck out altogether, as recommended by the hon. Member for Edinburgh (Mr. McLaren), the right hon. Gentleman would break faith with the Irish Members altogether, because last year he promised that he would insert the clause as it stood.

Amendment agreed to.

MR. RATHBONE moved, in page 7, at end, to add—

"Provided, That a settlement acquired by a person under this section shall cease if, since the acquisition thereof, the person has for a period of twelve months ceased to reside in England; Provided also, That an order by which a person may be removed to or become chargeable upon a parish under this section shall not be made upon the evidence of such person only, without such corroboration as the justices or court think sufficient."

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 29 to 33, inclusive, struck out.

Clauses 34 to 36, inclusive, agreed to.

Clause 37 (The exemption of the Inns of Court and the Charter House removed).

MR. SCLATER-BOOTH moved, in page 10, line 4, after last Proviso, to add—

Mr. McLaren

"Provided also, That from and after the said first day of September next the registrar of the Charter House shall cease to be the overseer of the parish of the Charter House, and the justices of the peace having jurisdiction in the place shall forthwith appoint an overseer to act for the said parish until the time of the next annual appointment of overseers; and thenceforth appointments shall be made as in the case of other parishes, and every such overseer shall have all the powers and privileges, and shall be subject to all the duties which by law attach to such an officer."

Proviso agreed to.

Clause, as amended, agreed to.

Remaining clauses agreed to.

MR. SCLATER-BOOTH moved, after Clause 14, to insert the following Clause:—

(Superannuation allowances not affected by services as registrar of marriages or sanitary officer.)

"If any officer seek a superannuation allowance from the guardians of any union or parish, or from the overseers of any such parish, under any statute applicable to such allowance, his service as a registrar of marriages, or under any of the provisions of the Sanitary Acts as defined by "The Public Health Act, 1875," or of that Act, shall not operate to prevent him from obtaining the same."

Clause agreed to, and added to the Bill.

MR. SCLATER-BOOTH moved, after Clause 24, to insert the following Clause:—

(Boys in receipt of relief, who are desirous of it, may be forwarded by the guardians for examination for the naval service.)

"If any boy not already an apprentice in the merchant service who, or whose parent or parents, shall be receiving relief in any union or parish, be desirous of serving in the naval service of Her Majesty, and be forwarded for approval by competent authority for such service, the guardians of the poor of such union or parish may enable any such boy to be so forwarded, and may pay out of their funds such sum, if any, as may be required by the regulations of such service for providing outfit or otherwise, and also such expenses as may be necessary to be incurred for the conveyance of such boy in charge of a proper person to and from the port or place in the United Kingdom at which he may be required to attend for examination, and, if accepted, for entry into such service."

MR. SHAW LEFEVRE suggested that there might be a difficulty with regard to the consent of the parents.

MR. SCLATER-BOOTH said, that the Local Government Board would narrowly watch these cases and see that no injustice was done.

Clause agreed to, and added to the Bill.

MR. SCLATER-BOOTH moved, after Clause 27, to insert the following Clauses :—

(Justices to make allowances to clerks of justices in respect of jury lists.)

"The justices of the peace of every county in quarter or general sessions assembled shall from time to time make such allowances as to them shall seem proper as compensation to the clerks to the justices in the several divisions in the county for their services in relation to the revision and allowance of the jury lists.

"Every such allowance shall be charged upon and be paid out of the county stock or fund."

Clauses *agreed to*, and *added* to the Bill.

MR. SCLATER-BOOTH then proposed a new Proviso to the effect that—

"The managers of any district school may appoint and pay any officer or other competent person to visit and report upon the condition, treatment, and conduct of any poor child under the age of sixteen, who shall have gone into service from the district school."

MR. PAGET thought that it was the Guardians who should have this power. He moved to amend the clause by leaving out "the managers" and inserting "The guardians of any union or"

Amendment *agreed to*.

Clause, as amended, *agreed to*, and *added* to the Bill.

MR. SCLATER-BOOTH moved, after Clause 33, to insert the following Clauses :—

(Proviso for pending orders of removal.)

"Those provisions relating to settlement shall not apply to any pauper in respect of whom any order of removal shall be pending at the passing of this Act."

(Rates made by overseers not now audited made subject to the audit of district auditor.)

"From and after the twenty-fifth day of March next, when an overseer shall make and levy any rate of assessment which is not now subject to be audited by the district auditor, such rate or assessment, and the accounts relating thereto, shall be submitted by him, and by the collector thereof, if any, to the said auditor, in the like manner, and with the like incidents, consequences, liabilities, and power of appeal as in the case of the poor rate made by him; and every other audit of such rate or assessment, if any, shall cease.

And the Local Government Board shall have the same power to make orders to regulate the keeping of such accounts as they have in regard to other local rates."

(Auditor's decision upon a joint account may be reversed or remitted in favour of one or some only of the parties.)

"When an auditor shall have allowed, disallowed, or surcharged a sum in any account rendered to him jointly, and an appeal shall be made against the same, the decision of the auditor may be reversed, and the disallowance or surcharge may be remitted by the court or the Local Government Board, as the case may be, in favour of one or more of the persons appealing only without discharging the other person or persons against whom such decision of the auditor was pronounced."

Clauses *agreed to*, and *added* to the Bill.

MR. MORGAN LLOYD moved, after Clause 11, to insert the following Clause :—

(Local Government Board may authorize election of guardians to hold office for three years.)

"The Local Government Board may by their order, whenever they may think fit, authorize and direct the ratepayers of any union or parish to elect guardians for such union or parish who shall remain in office for a period of three years, subject to such provisions regulating the annual retirement of one third of such guardians as the Local Government Board may think fit."

He said, that in many parts of the country there were complaints of the expense of annual elections, and there would be convenience in certain cases in having the election for three years.

MR. SCLATER - BOOTH said that he had received representations upon this subject from various parts of the country, and there was a good deal to be said for it. If the Committee were disposed to place such a discretion in the hands of the Local Government Board there would be security that it would be satisfactorily exercised.

SIR ANDREW LUSK thought that annual elections answered very well.

MR. PAGET drew attention to the wording of the clause, which would give power to the Board to direct the mode in which the election should be held. This would be a very great power to entrust in the hands of any Board.

MR. THOMSON HANKEY also thought it would be objectionable to give to the Board so large a power.

MR. SCLATER - BOOTH said, he could not undertake to bring up a clause to meet the object in view. He had received deputations from populous places in favour of such a change. He recommended the withdrawal of this clause, and that the hon. and learned Member should propose another on the Report more adapted to the object in view.

Clause, by leave, *withdrawn*.

MR. PELL moved, after Clause 12, to insert the following Clause:—

(Notice to parishioners of persons relieved.)

“The clerk to the guardians of every union or parish shall at the close of each half year at Lady Day and Michaelmas, prepare from the accounts of the union or parish separate statements for each parish or township, the accuracy whereof shall be certified by his signature of the names of the persons relieved in the half year, as shown by the in-door and out-door relief lists, and shall, within one week from the close of each half year, cause the same to be delivered to the overseers of each parish or township respectively, and the overseers shall forthwith cause the same to be fixed on or near to the doors of their respective parish churches, or if there be no church, then at the usual place for affixing notices of parochial business.”

He stated that as by this Bill paupers were disqualified from voting on the election of any officer whose appointment was determined by statute, it became a matter of necessity, if not of convenience only, that ready opportunities should be afforded for information as to who might be disqualified and who not. These lists were already in many districts generally affixed to the church doors with much advantage to the better administration of relief, and as a guide to those who might be charitably disposed in the distribution of their alms, and there seemed much reason and good reason for ensuring the universal publication of this information.

MR. THOMSON HANKEY opposed the clause, as it would be cruel to the persons relieved, and would give no information of the kind of relief given. It would involve great expense without any corresponding benefit.

DR. LUSH said, it would be a species of branding most objectionable, and he hoped the Committee would not recognize the principle involved in the clause.

MR. WALTER said, this very suggestion was made not long ago, on some occasion when a question arose as to the right of persons receiving relief to vote, and the proposal was received with great disapprobation by the House. It might as well be proposed that lists of the prisoners in gaols should be put on the church doors. He trusted the Committee would not entertain the proposal.

MR. SCLATER-BOOTH hoped his hon. Friend would not press this clause, at all events, in its present shape. The question as to whether sufficient publicity was now given might well be considered, but it would be going too far to

cause the lists as a matter of obligation to be affixed to the church doors. The clause was also objectionable on the ground of expense. He trusted his hon. Friend would not press the clause to a division.

MR. PELL said, that in making the proposal, he had no desire to affix a stigma on these unfortunate people. If any stigma attached to pauperism at all, it attached, not to the pauper, but to the neighbourhood in which he lived, and to those who, by their false views of what real charity consisted in, encouraged the existence of pauperism, connected as it was known to be with out-door relief and inadequate wages.

Clause, by leave, *withdrawn*.

MR. SERJEANT SIMON said that, according to the present state of the law, husbands and wives, if both were above 60 years old, could not be separated in workhouses; under that age, however, they were separated. He moved, in page 4, after Clause 14, to insert the following clause:—

(Husbands and wives in workhouses.)

“When any two persons being husband and wife shall be received into any workhouse such two persons, although they shall not both be above 60 years of age, shall not be compelled to live separate and apart in such workhouse; and any rule, order, or regulation, and any provision of any Act to the contrary is hereby rescinded and repealed.”

He had received one letter from a working man 63 years of age, who said he had brought up a large family without parish relief, but who was now unable to work. His wife was 56 years of age; and would it not be wicked, he (the writer) asked, if he were compelled to enter the Union, to separate him from the wife who had borne the toils and hardships of life along with him? It was said that the law was based on economic considerations, and that the workhouse was not a place for the purpose of breeding paupers. He hoped, however, that the House of Commons would not adopt this hard and cruel doctrine, which was meant to exclude the worthless and the undeserving, and apply it to well-conducted, industrious persons, reduced to poverty probably from no fault of their own. The workhouse should not be made a place of punishment for such persons; and if his clause were rejected on a division, he hoped that the President of the Local Government Board

would at least consider whether there might not be some relaxation of the existing rule.

Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. SCLATER-BOOTH said, that without any disposition to undervalue the importance of the question, he must deprecate any lengthened discussion upon what, if carried, would be vital to the principle of the New Poor Law. It would not be proper to introduce so great a change in administration in this casual way. He did not think that the objection to the rule was general throughout the country, and to abolish the rule would be to break down one of the securities which the ratepayers now had against an undue application for indoor relief. The workhouse, of course, was not to be regarded as a place of punishment; but he saw no reason for so serious a change in the working of the Poor Law as that now proposed. He might observe that no special store was to be set upon the age of 60. All he contended for was no alteration should be made in the principle which now prevailed.

MR. MACDONALD supported the clause. The working people of England looked upon the House of Commons as an assembly of Christian gentlemen, and he exhorted them to justify that character by supporting the Christian principle that those whom God had joined together no man should put asunder. He could say that the working classes of the country felt very strongly on the subject. He would warn hon. Gentlemen opposite and the House generally against the continuation of a principle in the Poor Law that he ventured to affirm was abhorrent to the feelings of the great body of the people—namely, the separation of husband and wife of the aged poor. A time might come in the history of this country when the masses might consider by way of retaliation how far such a principle might be applied to all. He implored them not to provoke this issue being raised. The Amendment of the hon. Member for Dewsbury he concluded ought to receive the support of everyone who laid claim

to possessing in any way the feelings of humanity.

MR. HAMOND deprecated the practice of the hon. Member who had just sat down of presuming to speak as the special mouthpiece of the working classes. No hon. Member represented them more than another; and he claimed, for his own part, to represent the working classes as much as anyone else in that House; for of his constituency of 22,000 electors about one-third were working men. In his opinion, they ought to adhere to the present system, and the clause as it stood went as far as it ought to go. They little knew what would be the result if married persons of all ages were allowed to live together in the workhouse—the idle and dissolute would exist at the expense of the hard-working and industrious artizan. He should have much pleasure in voting against the clause.

MR. WALTER felt bound to say he did not think the existing law so very unreasonable. He was, at all events, not prepared to vote with the hon. and learned Member for Dewsbury for its indiscriminate repeal, and he hoped the matter would not be pressed to a division. The hon. and learned Member could not but see that if the law were repealed in the unreserved language of the clause it would be competent for any two young people of 20 or so, who had no means whatever, to marry one week and go into the workhouse the next, to remain there as long as they liked. As it stood, therefore, the clause was unreasonable. At the same time, he would not object to a certain amount of discretion being allowed to the Guardians in the matter. In certain cases, where, for instance, the husband was 75 and the wife 55, the present regulation might very well be relaxed, and if the right hon. Gentleman introduced an Amendment to permit of that being done he should be glad to see it adopted. He had never been a particular admirer of what was called the New Poor Law, although it was passed 40 years ago. It was a piece of legislation which it would be impossible for him to discuss then; but it was passed at a period of what he might call general panic with regard to the amount of pauperism and its dangers. He believed that that panic was unreasonable and unfounded, and that the Act was conceived and passed in haste

under a wrong impression and had led to great evils. It was passed, moreover, in a day when there was no free trade, no emigration, and when population had largely spread in every part of the country. He remembered the time when the man who built a new cottage was thought to be an enemy of the parish. So far from wishing the workhouse system to be made more stringent, he was decidedly in favour of relaxing it; and therefore he would go a certain length with the hon. and learned Member for Dewsbury, but he could not support the clause as that hon. and learned Gentleman had framed it, and he hoped it would be withdrawn.

LORD ESLINGTON felt satisfied that the manly speech of the hon. Member for Berkshire (Mr. Walter) expressed the sentiments of many Gentlemen in that House. For himself, he wished to obtain from the President of the Local Government Board an authoritative declaration as to whether or not the Guardians had the discretionary power by law of relaxing the restriction in cases where they thought hardship would result from separating aged married couples? His own impression was that such a discretion was vested in the Guardians; but if it was not, it ought to be. It would be impossible to accept the naked proposition now presented to the Committee; but it should be remembered that cases of excessive cruelty had excited in the breasts of the people such a dread of the workhouse that they would rather starve than enter it.

MR. MUNTZ thought it was impossible to deny that there had been a strong feeling all over the country during the last 40 years as to the separation of man and wife in the workhouse. Guardians ought to have a certain latitude allowed them in dealing with cases of emergency. He put it to the right hon. Gentleman (Mr. Sclater-Booth) whether on the Report he would not bring up a clause giving Guardians a discretionary authority in that matter if they did not possess it already.

MR. PELL said, that his experience as a Guardian, now extending over 30 years, convinced him that this separation of man and wife in the workhouse in the case of the sick and dying was not put in practice, and in the Union with which he was connected in London

if a young husband in a workhouse was sick, dying possibly of consumption, cancer, or some other incurable disease, he would be found in the infirmary under the best possible care and not separated from his wife. Only last week he had been at the bedside of a man who was dying under such circumstances, whose wife was not only not kept away from him by the Guardians, but for whom, in reply to his (Mr. Pell's) inquiry of her he found every possible care had been taken and arrangement made for her comfort and presence at the sick bed of her husband in the workhouse infirmary.

MR. SERJEANT SIMON could not conceive of the case put by the hon. Member for Berkshire occurring in any well-managed Union—namely, that of two young people marrying in one week and going into the workhouse the next, and remaining there in their connubial felicity at the public expense. Though his clause was based on the broad principle of humanity, he would not press it if the right hon. Gentleman (Mr. Sclater-Booth) would give him an assurance that he was ready to meet his views in the way suggested by the hon. Member for Berkshire and the noble Lord the Member for South Northumberland.

MR. SCLATER-BOOTH observed, that though the Guardians were not empowered to allow young married people to live together in the workhouse, they could always in a hard case give them out-door relief, and it was inconceivable that such cases of hardship as had been described could occur. If a destitute young husband or wife was sick, they would not be taken into the workhouse, but would receive out-door relief.

Question put.

The Committee *divided*:—Ayes 59; Noes 205: Majority 146.

MR. SERJEANT SIMON then gave Notice of his intention to propose a clause on the Report.

MR. AGG-GARDNER moved the following Clause:—

(Statement by owner pursuant to statute 7 and 8 Vic. c. 101, s. 15.)

“No statement by an owner pursuant to the seventh and eighth years of Victoria, chapter one hundred and one, section fifteen, shall be valid, or shall entitle him to be placed or retained in the registry of owners entitled to vote

Mr. Walter

for the guardians of the poor of any parish, unless such statement contain an address for service within the parish in respect of which such owner shall claim to vote, and all objections and notices left at such address shall be deemed to be sufficiently served on such owner."

MR. SCLATER-BOOTH consented to the clause, provided the words "or retained" were omitted.

Words omitted.

Clause, as amended, *agreed to*, and *added* to the Bill.

Bill *reported*; as amended, to be considered upon *Friday*, and to be *printed*. [Bill 190.]

ARMY CORPS TRAINING BILL.

(*Mr. Gathorne Hardy, Mr. Stanley, Mr. William Henry Smith.*)

[BILL 182] COMMITTEE.

Bill *considered* in Committee.

(*In the Committee.*)

MR. CAMPBELL - BANNERMAN said he wished to call the attention of the Secretary for War to what he regarded as a defect in the Bill—namely, the omission to associate civilians with the officers in command for the making of regulations with regard to cattle, &c. It was most important that the landowners and farmers should not be under the impression that they were liable to be roughly treated on the occasion of these Autumn Manœuvres. Should any such apprehension go abroad the most serious consequences might ensue. In the previous Acts relating to the Autumn Manœuvres it was provided that a commission of local gentlemen should be associated with the commander of the forces, to act jointly with him in doing certain arbitrary acts, such as the shutting up of cattle and sheep. This gave confidence both to the landowners and the farmers, and he regretted, therefore, that the present Bill was not similar in that respect to the previous Acts. He hoped the right hon. Gentleman would introduce a provision such as he had suggested.

SIR ALEXANDER GORDON thought it most important, in the interests of the Army, that the suggestion should be acceded to. The popularity of the Army depended very much upon associating the civil element with the military in all transactions with the

civilian. The change proposed this year would tend to render the Army unpopular. The Bill proposed to place in the hands of the military men entirely the decision of questions affecting cattle and crops. One of the instructions of the Bill was that the officers should make a regulation for the protection of cattle and sheep. Probably not one of the officers employed to command those stations mentioned in the Bill ever had a cow or sheep in their possession.

MR. GATHORNE HARDY said, that on the Report of the Bill he would propose an addition to the 5th clause which would introduce the civil element which the hon. Gentleman required. There would be nine separate areas for training troops, and he would propose that the Lord Lieutenant of the county should appoint a person to act with the commanding officer in the drawing up of regulations to prevent damage being done to cattle or crops. He hoped that proposal would satisfy his hon. Friends.

Clause 1 *agreed to*.

Clause 2 *postponed*.

Clause 3 *agreed to*.

Clause 4 *postponed*.

Clauses 5 to 12, inclusive, *agreed to*.

House *resumed*.

Committee report Progress; to sit again upon *Thursday*.

BURGHES (DIVISION INTO WARDS) (SCOTLAND) AMENDMENT BILL. (*The Lord Advocate, Mr. Secretary Cross.*)

[BILL 166.] THIRD READING.

Order for Third Reading read.

GENERAL SIR GEORGE BALFOUR said, he had been very anxious, indeed, to obtain from the Lord Advocate some statement of what this Bill really was, but he had entirely failed. The Lord Advocate was now present, and he should therefore move that the third reading of the Bill be postponed in order to afford an opportunity for the Lord Advocate explaining the object of this Bill. He must protest against the way in which Scotch business was done. Scotch Members had no means whatever of ascertaining what was the meaning of the Bills brought in, owing to the uncertain and irregular hours of the night

when Scotch business was taken up; and as regarded the Bill now before the House, he defied any man to ascertain from the Census Returns how boroughs were divided. It was different with the Returns of the English Census. There information was obtainable about the divisions of towns, and even useful information about Scotch towns which the Scotch Census did not furnish. By these omissions Scotch Members were entirely without the information which they ought to have. The Bill ought not, therefore, to be read a third time without more information than they had at present. He had done his best to get information from the Lord Advocate, but had failed to.

MR. CAMPBELL - BANNERMAN said, it was no part of his duty to take the part of the Lord Advocate; but he might remind the House that the Lord Advocate, in moving the second reading of the Bill, did state the full nature of the Bill, and was understood to say that it had reference to the burgh of Wick. He only wished to say that the Lord Advocate did make a statement.

Bill read the third time, and *passed*.

PARLIAMENTARY AND MUNICIPAL REGISTRATION (BOROUGH) BILL.

(Mr. Alfred Marten, Mr. Torr, Mr. Birley,
Mr. Dodds.)

[BILL 108.] SECOND READING.

Order for Second Reading read.

MR. ALFRED MARTEN, in moving that the Bill be now read a second time, explained that it was intended to amalgamate the lists of voters for municipal and Parliamentary elections, so that one list would suffice. By that means there would be a large saving in the 168 boroughs which would be affected by the measure.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Alfred Marten.)

MR. ASSHETON CROSS did not oppose the second reading, but said it was probable he might have to suggest a modification in some of the clauses.

Motion agreed to.

Bill read a second time, and committed for Monday next.

General Sir George Balfour

OFFENCES AGAINST THE PERSON

BILL.—[BILL 1.]

(Mr. Charley, Mr. Whitwell.)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

MR. J. W. BARCLAY objected to proceeding in the absence of a body of Members largely interested in the Bill. They had had some experience of this kind of legislation in Scotland, and he was inclined to think this Bill was one of still greater stringency. He moved that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. J. W. Barclay.)

MR. ASSHETON CROSS thought the hon. and learned Member who had brought in the Bill (Mr. Charley) was hardly dealt with, as he understood there was no real opposition.

SIR ANDREW LUSK said, the hon. and learned Member had no reason to complain. Why did he not bring his Bill forward at a reasonable hour? It was 10 minutes to 7 o'clock, and the last time the matter came before them it was past 1 o'clock in the morning. He understood that a great many Members had conscientious objections to the Bill, though he did not know what they were.

Motion agreed to.

Committee report Progress; to sit again *this day*.

And it being now Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

LONDON MUNICIPAL GOVERNMENT.

RESOLUTIONS.

LORD ELCHO, in rising to move the following Resolutions:—

"(1.) That the reform of the government of the Metropolis, with a view to its more efficient, uniform, and economical administration, is a question of primary importance, and deserves the early attention of Her Majesty's Government. (2.) That such reform should be based on the establishment of one municipal administration for the whole Metropolis."

said, that a few years ago the right hon. Gentleman now President of the Local Government Board said that "London was the best governed city in the world." That declaration, which was made in an after-dinner speech at Willis's Rooms, must, it need hardly be said, be taken *cum grano salis*. Indeed, it was only necessary to apply certain gauges to it to show that the statement was not correct. He would join issue with the right hon. Gentleman on this subject, and apply to his assertion the test of pure air, the gas and water supply, and the arrangements for extinguishing fires. The tests of good municipal administration were that the air should be made as pure as possible by good sewage and the removal of effluvia and impurities; that the water should be pure and the supply constant, and not intermittent, and sufficient for keeping the streets cleansed. There should also be the ready means of speedily extinguishing fires. There ought, moreover, to be an abundant supply of gas, pure, and at a reasonable price. The streets should be well lighted; the markets should be readily accessible and in convenient localities; the police should be efficient; the poor should be properly taken care of, while vagrancy and mendicity were suppressed; and the houses should be well constructed. Finally, there should be unity of administration and direct representation—that was to say, those who spent the money should be directly responsible to those whose money they spent. Well, it would be well for them to consider how far these great and important objects were carried out under the present system. No doubt, if they compared the present state of the metropolis with what it was in 1855, when the Metropolitan Board of Works was established, a great improvement had been effected. There were at that time no less than 150 local corporations levying rates and tolls. The Metropolitan Board had carried out a great scheme of main drainage, but the Vestries were still responsible for the minor sewers, and there was not sufficient controlling power on the part of the Metropolitan Board to insist on the minor drainage being carried out. There were now 6,000 miles of sewers constructed, but there was still a divided authority. The Thames Conservancy, which made the regulations relating to the river, were a different body from the

Metropolitan Board, and they complained that the outfall of the main drainage had not been placed lower down the river, and that it interfered with the navigation. Last year he put a Question to the Chairman of the Metropolitan Board of Works, which showed the want of control on the part of that body. In hot and dry weather all macadamized streets had an intolerable smell; and he asked his hon. and gallant Friend whether he would take care that the streets should be properly watered and uniformly cleansed. The hon. and gallant Member replied that the Board had no power to compel the Vestries to wash and cleanse the streets. Take, again, the supply of water. Various Commissions had reported that it was essential that water for drinking purposes should be taken from springs, and not from rivers. They declared that there was no river in England of sufficient length to free the water from the impurities of any sewage that might be poured into it, yet the sewage of 1,000,000 persons entered the Thames above the point from which the water for the supply of the metropolis was taken. Notwithstanding the Report of the Rivers Pollution Commission, the metropolitan water supply was taken from the river, and the system of supply was intermittent instead of being constant. Whenever the supply was intermittent the water must be stored, and the London water was kept for the greater part in open butts, where it contracted impurities very hurtful to health. The poor suffered more than the rich from this system; but, although Manchester and other towns had adopted the system of constant supply, the Metropolitan Board had done nothing to secure it for London. It appeared from the Report of the Metropolitan Board for 1872 that it had abstained from calling upon the water companies to give a constant supply. The question had come before the Committee now sitting on the means provided for the extinction of fire in London, and it appeared that the non-existence of constant supply and of hydrants in London involved three deaths, three cases of personal injury, and three bad fires, to one of each in Manchester, which was provided with hydrants and had a constant supply. It was essential that water should be made immediately accessible for the extinction of fires,

because the difference between obtaining it in five minutes and waiting 15 minutes made all the difference between extinguishing a fire in the building in which it originated, and simply preventing its extension to surrounding structures. Of course hydrants would be of no use without constant supply. If the Metropolitan Board had power to compel the provision of both, why did it not exercise it? and if it had not power, why did it not seek to obtain it? We ought to have in London, in respect both of water for drinking and water for extinguishing fires, advantages equal to those enjoyed by Manchester and other towns. It had been represented that the introduction of constant supply into the whole Metropolis would involve a total cost of £4,000,000; but the experience of Manchester and other towns, as collated by the Committee of the Society of Arts, showed that the cost of the necessary changes need not exceed 10s. a house. He trusted the House would consider that expense ought not to stand in the way of a prime necessity for the health of individuals and the safety of life and property. He trusted the Committee that was considering the question of the extinction of fires would pay some attention to the cognate question of the construction of houses in reference to which the Metropolitan Board was the local authority. In reference to the supply of gas there was no local authority, and it was the opinion of Mr. Fitzjames Stephen and others that in what the Metropolitan Board had done for the benefit of the public it had allowed its zeal to outrun its powers. In winter many streets were ill-lighted when the shops were closed, and recently the pressure was so weak that the lights went out in his own house—an occurrence involving the risk of danger everywhere, through the escape of gas where it was not relighted when the pressure was renewed. The practical action that was first taken, and that resulted in the legislation of 1860 and 1868, was taken at the instance of individual ratepayers; and there was reason to hope that now the amalgamation of gas companies would facilitate the purchase of their works by a local authority. The Corporation of Manchester made a profit of about £50,000 a-year out of the supply of gas, and had altogether made

a profit of £1,000,000, and this was devoted to the reduction of the rates and the making of local improvements—a fact which should suggest to the ratepayers of the Metropolis not only what they might gain in efficiency of lighting, but what they were losing by the continuance of the companies. As regarded streets, the Metropolitan Board could not make new ones without special Parliamentary authority, which had been obtained for the Northumberland Avenue, the Embankment, and Queen Victoria Street; and the only control the Board had over the Vestries was to prevent them taking up both sides of the streets at once. Subject to this slight control the Vestries could pave them or not, or tear them up as they pleased; and the time usually chosen for covering the macadam streets with metal some inches deep was when Parliament met, and there were more carriage wheels and horses' feet to reduce it to a proper state than there would have been when town was empty. He wondered that the Society for the Prevention of Cruelty to Animals did not interfere. The greasy condition of the streets, besides being unhealthy, involved a destruction of life greater than that attributed to the car of Juggernaut, for Returns showed that 200 people were killed, and 2,885 persons were maimed in the Metropolis in the course of a year. Statisticians calculated that so long as the streets remained in the same slippery state the destruction of life would be undiminished. But there could be no hope of improvement while there was divided jurisdiction, and they had the Vestries overlapping, interlacing, or antagonistic. Here he had a map of London, showing the different divisions for parochial purposes of the Metropolis. It presented the appearance of a kaleidoscope; Joseph's coat of many colours could not have had more than there were in that map. Perhaps the most objectionable of the City privileges was that relating to the markets. Many years ago medical reform was recommended to the House by the consideration that eminent medical men coming from Edinburgh or Dublin, such as Sir James Simpson or Mr. Corrigan, who practised within seven miles of Charing Cross, would be subject to prosecution. Well, at the present moment, without the sanction of the City, no market could be established

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within seven miles of Guildhall, and the effect was to raise the price of provisions and diminish the supply. It was on that account that in walking along the best streets of the West End they were liable to brush against carcasses hanging up at the butchers' shops. Such a sight could not be seen in any other European city, and it was a disgrace to our civilization. The state of our markets was another reason why it was desirable that there should be an improvement in our municipal administration. As regarded the Police, he was far from complaining, but the police were a divided authority. If they were united they would be more efficient, and thieves would be less so. There was no municipal local authority for dealing with the poor. The sturdy beggars and vagrants were turned off the streets, not by the action of any municipal authority but by private societies—the Charity Organization and Mendicity Societies, which were doing a great deal of good in the Metropolis. For building purposes, the Metropolitan Board was the local authority, and their power extended over the City. No doubt there had been a great improvement in the Metropolis in respect of buildings; but there still were what his hon. and learned Friend the Member for Oxford (Sir William Harcourt) called the "rookeries" in which the poor were left to rot in many parts of London. Their existence supplied a forcible argument in favour of having one municipality. The Act which did so much credit to the Conservative Government, and especially to his right hon. Friend the Home Secretary, did not entrust its powers to the local divisions he had shown on the map, the parish vestries, but to a much wider body, the Metropolitan Board of Works; so that the House of Commons was in this matter aiding in getting, so far as it could, unity of administration. He now came to what lay at the foundation of all satisfactory municipal administration. Without unity there must be inefficiency and waste; with unity and control came efficiency and economy. He found from an excellent work by Mr. Firth on *Municipal London*, that the Metropolis was divided for various purposes in the following manner:—There were 56 separate divisions for the purposes of the Building Act; 39 for local government; 37 for the Metropolitan Board and presentations; 39 for the

Poor Law; 28 for districts of superintendent registrars; 29 for burial boards; 20 for the police force; 16 for district schools; 15 for Militia purposes; 15 for police courts; 10 for school boards; 10 for the boroughs; 10 for the gas companies; 10 postal divisions; 8 for water companies; and 3 separate County Court jurisdictions. As an instance of costliness of administration under the present system, he would compare Marylebone and Westminster. These two districts were about equal in size, and each raised £200,000 a-year from the rates. In Marylebone the borough and the Vestry districts were conterminous; but in Westminster there were five Vestries, five Vestry clerks, and separate sets of officials, as compared with one set of officials and one clerk in Marylebone. The result was that the money was raised in Marylebone at one-third of the cost at which it was raised in the rest of Metropolis. This led to the question of direct representation. There was direct representation in the case of school boards, but not in the case of the Metropolitan Board or local administration generally. That was essential, especially when they considered the enormous sums these local boards had to deal with. For example, the total income of the Metropolis was £15,806,668, and the expenditure £15,117,749. He had seen it stated that the annual loss to the Metropolis for want of better administration was something like £250,000, and if the same management as to gas and water were exercised in London as in Manchester, the saving might be £500,000 per annum. It could not be said that the financial affairs of London were economically administered. In Leeds, Manchester, and Bradford they saw a very high development of municipal government. Liverpool profited by its docks in a way which London did not. Manchester managed gas and water with good results. Leeds and Bradford had, or was about to have, their gas and water in their own hands. They all had direct representation, which showed the wisdom of the Act of 1835, so far as Provincial municipal government was concerned; but from that Act London was excluded. The contrast was not less striking in the case of foreign cities and towns. Every one who had been in Paris must have observed that their system of lighting, paving, and cleansing the streets was

greatly in advance of that which obtained in London. What a contrast did these capitals present in a snowstorm. They all knew how the streets of London might be blocked up for weeks. Paris had hydrants in all directions, an abundant supply of water, and large openings corresponding with good subways, so that as soon as snow fell jets of water were brought to bear, and the result was that the streets were kept clear both of snow and slush. He would next turn to the opinions of public men and the action of Parliament in this matter, and also to the expression of the Press and of public opinion, and it would not be drawn from them that London was the best governed City in the world. He would enunciate, as shortly as possible, what view Parliament and public men had taken of this question. In 1837 the Royal Commissioners of 1835 made a special Report on the Corporation of London, and recommended that there should be one municipal authority for all London. The Corporation undertook then to bring in a Bill to expand its jurisdiction over the whole Metropolis, but never did anything. The Commissioners of 1854 left the City undisturbed, but recommended the division of London into municipal boroughs, each with a local council and, over all the Board of Works. In 1855 they had Sir Benjamin Hall's Bill, which established the Board, but did not adopt the borough municipal boundaries. Next they had Mr. Ayrton's Committees, which proposed a centralization system, ignoring the City Corporation and appointing a Board of Works (the Government having a voice), with control of gas, water, poor law, police, &c. In 1837 Lord John Russell had promised a Bill on this subject, but parties were nearly balanced, and the City threatened opposition. Some years afterwards the City elected Lord John Russell as one of its Members, and the Bill was dropped. In 1856 there was a Police Bill introduced, but Sir George Grey yielded to pressure. In 1858 there was another Government Bill, which was ultimately withdrawn. In 1859, again, a Government Bill was introduced and withdrawn. In 1860 one more Bill was introduced and withdrawn. In 1863 another Police Bill was introduced, but without practical effect. In 1867 and again in 1868 there were the Bills of Mr. Mill, which were withdrawn. There was also the

Bill of Mr. Buxton, which was introduced and read a second time. This brought the question down to the time when he had endeavoured to deal with it. Such were the attempts at legislation on this subject. Then, with reference to the views of public men, they had the strongly-expressed opinions of Lord Russell, Lord Brougham, Sir George Grey, the present Home Secretary, and of Lord Chelmsford, a Conservative Lord Chancellor, who, when he received the Lord Mayor, in 1867, impressed upon him the necessity of moving with the times and the importance of improving municipal government in the Metropolis. He might also refer to the opinions expressed by Lord Chief Baron Kelly, Lord Aberdare, the right hon. Member for Cambridge University (Mr. Spencer Walpole), the present Secretary for War, and the right hon. Member for Greenwich (Mr. Gladstone), who gave the reform of the government of London a prominent place in his famous Greenwich address. The right hon. Gentleman the Member for the University of London (Mr. Lowe), also, at a public dinner of one of the Guilds, lamented the hardness of the fate which condemned him to vestry government on one side of Temple Bar, when on the other side there was a comparatively small population in the enjoyment of excellent municipal government. On that occasion the present Lord Mayor, replying to the toast of his health, said he was no friend of vestries, and he did not believe in the Metropolitan Board of Works, regarding it simply as a vestry in itself; whereas the Corporation of London, he added, had never lagged in the pursuit of social progress, and in that respect it had always been upheld by its ancient Guilds. If the right hon. Gentleman were present he should have claimed his vote in favour of this Motion. On no public question that he knew had there been such an universal consensus of opinion with a view to obtain an improved system of government for the Metropolis. He, therefore, in full confidence, would invite the House to assent to his first Resolution; that this was a question of primary importance and deserved the early attention of Her Majesty's Government. He came now to the second Resolution — that "reform should be based on the establishment of one municipal administration for the

whole Metropolis." It was upon that basis, and on that alone, that we could safely and effectually build; and we must do so now, if it should be necessary to build, like Nehemiah and his followers when restoring Jerusalem, with a trowel in one hand and a sword in the other to slay the lions and the giants in the shape of self-interests and abuses which stood in our path. It was a Bill on that basis which he introduced last year. An outcry had been raised against the Bill. It was said that its promoters were making an attack upon the vestries, the Metropolitan Board of Works, and the City Corporation, whose funds they intended to appropriate. Never were charges more unfounded. He did not stand there to say that the vestries had not individually done good work. He did not find fault with the Metropolitan Board of Works, but gave them all honour for the new streets and the noble Embankments which they had created, for the Parks which they had made, and for the open spaces which they had saved for the people of the Metropolis; neither did he stand there to decry in any way the City Corporation in its administration. Far from it. No one more readily than he and those with whom he was acting respected and admired that ancient historic corporation of which we had all, as Londoners and Englishmen, so much reason to be proud. We knew that in early days the office of Lord Mayor was one of almost sovereign authority; but even now, though shorn of much of its ancient dignity and authority, yet Sultans and Suzerains, Princes, Peers, and commoners alike gladly partook of his splendid hospitality; and in such estimation was the office of Lord Mayor of London held abroad that on the occasion of the visit of the last Lord Mayor to Paris he and the Lady Mayoress had an escort of 100 dragoons. Further, we knew how readily the City took the lead in all national subscriptions for the relief of suffering humanity, whether at home or abroad. But whatever might be the estimation in which the City of London was held, whatever might be its merits and defects, as well as those of the Metropolitan Board of Works, of vestries, and other public bodies charged with the administration of the affairs of this vast Metropolis, they were all, as at present constituted,

and with divided authority, incapable of rightly, efficiently, and economically administering the concerns of what would soon be 4,000,000 of men. It was only in unity of authority that efficient local government could be found, and that he sought to obtain by extending the jurisdiction of the City, which now extended over 700 acres only, over the "greater London without," which covered over 78,000 acres. How that should be done, what the exact form of the constitution of such an extended municipality should be, what position in it the Metropolitan Board of Works and other existing administrative bodies should occupy, that was not the time or place to consider, as those were matters of detail which could only be satisfactorily worked out by responsible Ministers in communication with the City and local authority. All he asked the House to do was to affirm the principle of unity of administration in any scheme that might be adopted for the improved local government of the Metropolis. In doing so he was supported by the Report of the Municipal Corporation Commissioners of 1835, by the Registrar General, and by the Metropolitan Board of Works, who in their Report upon Mr. Buxton's Bill in 1869-70 said that they had come to the conclusion that there should be one central municipal government with jurisdiction over the whole of the Metropolis. The Press also had been throughout unanimous that something should be done, and that that something should take the form of unity. The leading journal, when last year's Bill for establishing one municipal government for the whole Metropolis was before the country, said—

"The first condition of a complete remedy is the creation of a municipality for the whole town. The provisions of Lord Elcho's Bill seem to meet the case very completely, and at the same time to pay all due regard to the very stubborn claims of the vested interests of the old City Corporation. We hope only that the main principle it embodies will be accepted by the great interests which it will affect; that all Londoners will agree heartily in putting an end to the anomaly and inconvenience of the present artificial divisions of power within the single area of the Metropolis: and that the whole of London may thus be at length united into one great municipality—the richest, the most intelligent, and the most powerful in the world—and fitted, therefore, to be, as we may confidently trust it will be, a model to all others."

He knew that he should be met by the

argument that by establishing a colossal London they would have an *Imperium in Imperio*; but this was no new fear. In 1602 Queen Elizabeth issued an edict, when London contained 145,000 inhabitants, that not more than one family should live in a house, and that no more houses should be built in London, because such a great aggregation of human beings could not be constrained to "fear God and honour the Queen." In the time of James a similar edict was issued, and that Monarch added a scientific reason in reference to the maintenance of health; and even at the time of the constitution of the Metropolitan Board of Works in 1855 some people were afraid of the establishment of so great a power in the State. He (Lord Elcho) had no fear of a corporation for London being dangerous to the State. The Paris Commune might be referred to; but his answer was that London was not Paris. No doubt Paris had governed France, but London had not yet governed England, and he did not think that it was likely it would do so. In this country, Birmingham and Manchester, instead of taking their cue from the metropolitan city, flattered themselves that they shaped the policy of the Empire. Further, they had confidence in the good sense and love of order possessed by the people of this country, who had been trained in an atmosphere of municipal and local government, the conduct of which would afford full employment for the energies of the most active and ambitious of its citizens. If the worst came, it must not be forgotten that the police would be under the supreme control of the Government. He thought, therefore, it would be safe gently to re-organize their local administration in the form that appeared best and most effective without fear of the Lord Mayor of the period, however extended his jurisdiction, coming to the House of Commons and substituting his mace for the Royal "bauble" which lay on the Table. He had no means of knowing the course which Her Majesty's Government would take in reference to this question; but as they could not deny the truth of his first, he hoped they would not look with disfavour on his second Resolution. The good and economical local government of the Metropolis and the health of its inhabitants, which might be so cared for as to reduce in a model city the death-rate to eight or

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even five per 1,000, were social benefits that should commend themselves to a Conservative Government that had adopted *sanitas sanitatum* as the key-note of its domestic policy. As far as the present death-rate was concerned he was not quite certain; but, whatever it might be, his general argument that it could be considerably reduced was not affected by the fact. The question was one not merely affecting the health and well-being of the millions who resided permanently in London, but of the Sovereign, who possibly might some day again reside in London; of the Peers and Members of the House of Commons who annually assembled in London for the performance of Parliamentary duties; of the many suitors and witnesses who thronged the Law Courts and Parliamentary Committees, and of the thousands of persons whom business or pleasure annually brought to the capital of the British Empire. In the name of all these, and for the credit of Anglo-Saxon municipal administration, he called upon the Prime Minister boldly to grapple with the urgent question of London Local Government. As far as his personal connection with the question was concerned, he could not hope at once to prove successful; but, treading upon ground already broken by Mill and Buxton, he should at any rate possess the satisfaction of having contributed to the ultimate success of the great necessary work in the accomplishment of which they were able pioneers.

Motion made, and Question proposed,

"That the reform of the government of the Metropolis, with a view to its more efficient, uniform, and economical administration, is a question of primary importance, and deserves the early attention of Her Majesty's Government."—(Lord Elcho.)

MR. NEWDEGATE: Sir, no one can fail to admire the perseverance of the noble Lord, or to appreciate the force of the general principle which he has laid down, but it does not follow that everyone must admire that principle. It might have been hoped that the noble Lord would have shown more sympathy with the spirit which has made the great improvements of London in late years. While one listened to the noble Lord, it seemed more than doubtful whether the Thames had been embanked, and how the other improvements around this

House and other parts of the Metropolis could have been effected. Who could believe that this is the London which the noble Lord describes as the worst governed municipality of anything like the size in the world; could this assertion be consistent with the fact that this great Metropolis is the most peaceful community of the kind in the world? The noble Lord appears to be possessed by the one dominant idea, that there can be no good Government unless the governing body be elected on the principle of direct representation, and be combined on a uniform system. I have had some experience in reference to this matter, for I am the survivor of the Members of this House who took an active part in the passing of the measure for the incorporation of Birmingham. While that Bill was passing through Parliament I became uneasy as to its probable effect, because it was founded upon the system of uniformity of franchise, and upon the principle of direct representation. I have lived to see that measure result in the domination of a single faction. Any one who is acquainted with the Corporation of the City of London and its history must know that it deserves to be considered one of the perennial sources of the spirit of free self-government. The immense variety, nay, the apparent incongruity of the representative system of the London municipalities, secure that all sections of the people shall be represented. I defy the noble Lord to apply the principle of direct representation and of uniformity of election to any large municipality, and to save the Corporation, which he would thus create, from the domination of a single faction, the greatest imperfection that can attach to the organization of any Corporation. I speak with regard to this matter after anxious thought upon this subject, long since brought home to me, and after an experience of some years. That which I admire most in the form of government that has grown up in London—for it is a growth, the produce of the popular intelligence and of the popular will—is the variety of representation it exhibits; the variety of social position and interests which it represents; and again I defy the noble Lord to produce that combination of interests, which is the essence of true representation, by any system of direct representation and uniformity.

In the course of his speech the noble Lord adverted several times to his Bill of last year. I have here an extract from his speech, when introducing it, and, with the permission of the House, I will produce it in justification of the observations I have made. A Bill, not the Bill of the noble Lord, had been circulated. The noble Lord, and I suppose the Association with which he is connected, determined to alter, and, as they thought, improve upon it; and the noble Lord said—

“What he held himself to be individually responsible for was the Bill as it had since been altered. The changes introduced must render it more acceptable to the Government, to the House, to the Corporation of London, and to the Metropolis in general. They might be stated in a very few words. In the first place, the changes would secure Imperial authority if they created a great united municipal government over 5,000,000 of people. This would be done by giving a veto to the Secretary of State, or to some authority on the part of the Crown, whose approval would be necessary for the appointment of the Mayor, the Deputy Mayor, the Recorder, and the Common Serjeant.”—[3 *Hansard*, ccxxii. 237.]

Thus the appointment to all these important offices would have been virtually in the hands of the Secretary of State. This showed little confidence on the part of the noble Lord in the electoral and municipal system he advocated. The noble Lord said—

“Then, as regards the police, in the Bill as originally drawn they were placed wholly under the control of the Corporation; but it was manifest that the objections urged against this proposal rested on sound grounds, and it was now proposed to do nothing at all in reference to the police, but to leave it to the Secretary of State.”—[*Ibid.*]

Here, again, the whole control of the police in the Metropolis was to have been taken from the Corporation under the noble Lord's Bill, notwithstanding their present efficiency, and handed over to the Secretary of State for the Home Department.

“But (continued the noble Lord) to leave it to the Secretary of State and the House of Commons in Committee to decide how they would deal with the Imperial question of the police of this vast Metropolis.”—[*Ibid.*]

Therefore, all that the noble Lord ensured by his Bill was the taking away the control of the police from the Corporation of the City of London, though it is well known and admitted on all hands to be well managed, in order that he

might place it in the hands of the Secretary of State for the Home Department: but so little conscious was he of what regulations might be needed under the altered circumstances, that he left the whole of these undescribed, to be fashioned according to what might be called the chance decisions of this House. I trust, Sir, that the House will decline to enter upon the vast scheme of the noble Lord, and will remain satisfied with the progress London is making in the way of improvement. Every foreigner who has visited London in former years and has returned hither of late admires the extensive changes which have been made and are now making. Some foreigners may, indeed, prefer the municipal constitution of Paris, or of some other Continental city: but the foreigners I have met with express their great satisfaction at the steady progress which has been made in the improvement and adornment of the English capital. Deprive the Corporation of London of its ancient authority and dignity, and I put this to the House, would the Corporation then occupy a position that would enable it to relieve the Sovereign of the burden of receiving and entertaining the distinguished guests, who visit this country from time to time, in the becoming manner it now does? Moreover, I would ask the House, whether any of us really desire to increase the patronage already possessed by the Ministers of the Crown? Has not the patronage of the Ministers of the Crown already increased to such an extent as to threaten the independence of this House? Is not that patronage still increasing to such a degree that it has become a subject of jealousy to every man who values the Constitution of this country? "No, no!" Hon. Members may object; but I venture to say that there is great impatience growing up in the country at this vast increase of patronage; and that, if anything could increase that impatience, it would be the robbing of its patronage, its responsibility, and its independence, such a Corporation as that of London, which has for centuries enjoyed the confidence of the country to such an extent that it is not only the model for, but is becoming the centre of, municipal action throughout the Kingdom. The noble Lord made an attempt to prove that the death-rate of London is high; he blun-

dered in doing so, and when he was told that instead of 30 per 1,000 the death-rate was 10 less, he replied that really it did not matter, as so small a difference could not lessen the force of his argument. Why, Sir, the whole ground for legislation, if there be any ground whatever, is based upon sanitary considerations: and I ask the noble Lord whether sanitary measures are not in progress in London? Further, are they not in progress without any violation of those great principles of self-government which constitute so chief an element of the strength of this country? Why is I say that they constitute the strength of this country and of the Empire? Because it is through them that the thought, the intelligence, the will of the nation, throughout all the variety of its social phases, is brought into harmonious action with the Government of the Queen and finds expression in this House. In respect to this question, the noble Lord certainly appears not to be a Conservative. His speech was that of a Radical, and a Radical not of very high type. And when I look at the mechanical character of the means upon which the noble Lord relies for producing an improvement in the municipal government of London, and I remember the great social and political results to which the Corporation of London and its surrounding municipalities have contributed, I cannot help thinking of what was once said by a rival artist of a great portrait painter, but who was deficient in historical power: his rival described him as "a mechanic who was called an artist." In my humble opinion, it is not the function of a Conservative or a Conservative Government rudely to tamper with institutions through which the education, the intellect, and the wealth of the country find expression. But at the present moment we have several Bills before the House too much of that character: two Bills which deal in a somewhat arbitrary spirit with our two great national Universities. We have also a Bill before us to deprive the Justices of the Peace of the care of the prisons both in counties and boroughs. I hope that Her Majesty's Government will think it consistent with their Conservatism, which, if it is worth anything, should preserve the elements which constitute the strength of our Constitution, not to sanction an interruption of the whole-

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some improvement, the steady progress of which we witness in London, for the sake of depriving the chief municipality of England of a charge it has so well fulfilled for centuries. Would it, I ask, please the noble Lord the Member for Haddington, in his Imperialistic temper, to deprive the visits of those foreign Potentates who are now from time to time received at the Mansion House of the splendour which accompanies those receptions? Or does the noble Lord wish to add to the burden of the Sovereign by depriving her of the assistance she derives from the Corporation of the City of London in their magnificent hospitality? Would the noble Lord deem it appropriate that some high official should be fitted out to undertake this task, or would he commit it to some nobleman? There are obvious objections to either idea. Let the House remember that mere wealth, without responsibility and authority, could not fit any man or set of men to discharge the functions of such a Corporation as that of the City of London. If mere wealth undertook to offer hospitality to such personages as the City of London receives, its doing so would at once be stamped as inappropriate and impudent. It is the usage of centuries which sanctions the hospitality which the City Corporation tenders through the Lord Mayor to the Sovereigns of Foreign States when they visit this country. I believe that the municipality over which the Lord Mayor presides ought not to be unduly extended beyond its present limits, because, among other reasons, the Lord Mayor might thus become too great a man for England.

SIR JAMES HOGG said, he rose with a deep sense of responsibility to discuss this subject, when he remembered that the health and happiness of nearly 4,000,000 people depended upon the good government of the Metropolis. He was rather surprised at the prominence given by the noble Lord to a dinner given by him as Chairman of the Board of Works, but he cordially endorsed the assertion made on that occasion by his right hon. Friend (Mr. Selater-Booth) that London was the best governed city in the world. He asserted, without fear of contradiction, that the works carried out within the last 20 years by the Corporation of London and the Metropolitan Board of Works would vie with any works of an-

cient or modern time. The noble Lord himself had expressed his approval of some of their efforts—such as the drainage works, the Thames Embankments, the widening of various streets, and the making of new thoroughfares where they were needed. Many hon. Members must recollect the state of the Thames one summer before the Metropolitan Board of Works was constituted, when cart-loads of chloride of lime and other disinfectants were thrown into the Thames. Now the sewage of London was carried so far away that it was impossible it could become offensive to the people of London. The noble Lord had referred to the death-rate, which had been reduced to 21 in the 1,000. There might be local considerations which made the mortality of other towns greater; but he believed that the death-rate in Manchester was 30 and in Liverpool 35. The noble Lord had also referred to the system of representation in the Metropolitan Board of Works, and said it ought to be direct. He had been a member of the Board of Works for 10 years, during six of which he had been Chairman, and he would assert that the system of indirect representation to the Metropolitan Board worked remarkably well. The members elected were the ablest and most prominent men in the different Vestries and District Boards, and they came to the Metropolitan Board of Works well acquainted with their work and with the wants of their localities. His noble Friend had referred to the hydrant question, which was now before the Committee upstairs on the Metropolitan Fire Brigade. The reason why the Metropolitan Board had not adopted these hydrants was that they were not prepared to spend £1,000,000 in this way without satisfying themselves that the pipes were of sufficient magnitude and the pressure of water sufficiently great and constant to extinguish fires. These hydrants had, however, been placed in Northumberland Avenue and other new streets, and he trusted that in time they would be introduced into every suitable place. By the Building Act the construction of houses was placed under the regulations of the Metropolitan Board. After some experience of the working of this Act it was found that it contained many defects which it was desirable to amend. He had accordingly brought in a Bill to consolidate and amend the law,

and although he failed to pass it, he trusted that he should before long be able to carry a measure which would improve the law on this subject. His noble Friend had talked of the zeal of the Metropolitan Board having outrun their discretion in the matter of the Gas Companies. The Bill brought in and read a second time had, however, already borne fruit. All the Gas Companies, with few exceptions, on the north side of the Thames had become amalgamated, and negotiations were going on for the amalgamation of the companies on the south side, who had accepted the conditions imposed by the Bill. He did not see how unity of administration or the amalgamation of the Vestries would prevent people being run over in the streets; and as his noble Friend had not given any figures to show how unity would be attended with economy it was impossible to attempt any reply to that part of his speech. He had seen the streets of Paris in a worse condition than those of London, and as to the sewers of Paris they were constructed upon different principles from those of London. Ours were designed to carry off only a limited quantity of effluent water, and the refuse of the streets was not permitted to be swept into them, but it was swept into those of Paris, and the solid matter was carried away in barges and deposited on the banks of the Seine to diminish the risk of inundation. He could not imagine it would be at all agreeable that the contents of the sewers of London should be used to embank the Thames above London. Late at night in the streets of Paris there was often a procession of carts of a most offensive character. If an agitation for the reform of the local government of London had been going on since 1837, if it had enlisted the sympathies of Mr. Mill and Mr. Buxton, and if, after several Bills had been unsuccessfully introduced, the matter could be carried no further than it was by the proposed Resolution, the result would appear to be that the inhabitants of London did not want a change, and in those circumstances it would seem to be better to leave things pretty much as they were, because they satisfied those who lived under the existing conditions. He did not deny the possibility of reforms of a moderate character; but he could not admit the necessity for the sweeping

changes suggested. He must defend those who as vestrymen devoted their time to the public service; and, if in some instances the higher classes did not participate in the work of local management it was entirely their own fault. Any differences in the supply of gas or water depended upon the districts being supplied by one company or another, and not upon the districts being within or beyond municipal jurisdiction, and as to the relation of the Metropolitan Board to the Corporation, he might refer to their harmonious co-operation on the gas question to show that the jealousies which once existed between them had entirely disappeared, and that they acted together for the public good. His noble Friend had alluded to the Press, and he quoted the observations of the leading journal with reference to his own Bill of last Session. He might also have quoted another celebrated newspaper—he meant *The Saturday Review*—only a fortnight ago, which was not quite so favourable in its comments. He, on the other hand, might quote the testimony of a leading journal comparing the state of London now with what it was 20 years ago, and showing the obligations under which it lay to the Metropolitan Board. But he did not think it necessary to do so. It was enough to show his noble Friend that the Press was not all on one side upon this question. His noble Friend said the Metropolitan Board were not equal to their work. He maintained that they had proved themselves to be so. It was not correct to say that the Metropolitan Board had not powers over the Vestries as regarded the making of sewers. They had powers over the Vestries in that matter. In case they wanted to make new sewers they must come to the Metropolitan Board for their sanction; and those sewers were always made in connection with the main drainage, which had been entirely confided to the care of the Metropolitan Board. He did not know that there were any other points in his noble Friend's speech which required an answer, and he had only now to thank the House for the kind hearing they had given him.

SIR GEORGE BOWYER said, he could not agree with his noble Friend when he said that the municipality he described would have quite enough to do to prevent them engaging in any-

thing political. Everyone who knew history knew that the City of London had exercised great political influence. That influence had always been exercised on the side of freedom and good government. It was a model for municipal freedom and good government; but when his noble Friend proposed that the police of the whole Metropolis should be under the Secretary of State, that the Chief of the municipality, the Lord Mayor, or other chief officer, should be appointed by the Crown, or with a veto in the Crown—the Recorder and the Common Serjeant being also appointed by the Crown—the municipality would be no municipality at all; it would have no municipal liberties; it would be merely a body subordinate to the Government of the day. It would be very much like the body which governed Paris. The Prefect of the Seine, when he visited London, was complimented as the head of a great and, perhaps, model municipality. But he was not the head of a municipality at all. He was appointed by the Crown. The Lord Mayor under the scheme of his noble Friend would be a Government officer, and instead of a great Corporation intimately connected with the history and liberties of England, a model of self-government, they would have a body under the Minister of the day. His noble Friend did not seem to have realized the immensity of his conception, a municipal body comprising a population of 4,000,000. With a population greater than that of Scotland, equal to that of Belgium, this Municipal Council would be a Parliament in itself; it would have a Minister, a Budget, and the organization which belonged to a kingdom. Such a thing was unexampled in history, and would be so unwieldy it would be impossible to manage it. Without the City of London, there was no doubt that the splendour of this country would be much diminished; because there was no other body which could properly entertain any Potentate whom it was desirable to conciliate, or adequately express the hospitable feelings of the country on important occasions. If those who wished to suppress the City of London would but look at the matter in that light they would see the absurdity of their attempt. His noble Friend seemed to forget that if he succeeded in carrying out his object he would destroy the historic

identity of the Corporation and put in its place a body whose line of action no one could foresee. The new Corporation would probably be very different from the old; he was sure it would not fulfil so well its duties of hospitality and good government. No doubt it would fall under the influence of some democratic faction and become the arena of political contention. Involved in Party strife, it would be drawn away from its proper duties, and in all likelihood become an example to avoid instead of being a model of good government and municipal liberty.

MR. LOWE said, he was anxious before any Member of the Government spoke on the Question to recall the House to what was really the question before it. Hon. Gentlemen naturally considered this matter to be simply a question as to the dignity of the Lord Mayor of London, but they should really remember the statistics of this subject. The inhabitants of municipal London, allowing for the increase that had taken place since the last Census, might possibly amount to some 80,000 persons, and its area one square mile and ten acres. The size of non-municipal London might pretty fairly be reckoned at 3,600,000, and its area at 75,000 acres; and the question was what was the right and proper thing to be done with those 3,600,000 who had no share in the government of London. The question was whether they were now governed in a manner satisfactory to themselves and in accordance with the lights we now possessed on this subject, or whether it was possible to devise something better for them. Putting aside the Corporation of the City of London, to which he wished no harm, let them look at this question as it would confront them and demand consideration if there were no such Corporations in existence. Hon. Members argued as if there was nothing in this country excepting the Corporation of the City of London, the Metropolitan Board of Works, and Vestries, and to forget that this larger portion of London was an exception to the rule which provides for every large town, and even for some very small ones, a particular kind of municipal government established after great deliberation in 1835. The establishment of this system of municipal government he regarded as a larger and more important step than the Reform Bill itself,

and it had worked on the whole with great satisfaction, and great benefit to the people of this country. On what ground of reason or good sense should these 3,600,000 people inhabiting the principal city of the country be excepted from this otherwise general rule of municipal government, and left, so to speak, almost without any municipal government at all? That was the question to which he hoped any Member of the Government who replied would direct his attention, without being led aside from it by a fear of hurting the feelings of the Lord Mayor on the one side, or of the hon. and gallant Gentleman on the other who came forward and represented himself as something like a sovereign over those 3,600,000 who had no other shepherd than himself. The experience of such places as Birmingham, Liverpool, Manchester, Glasgow, Edinburgh, and innumerable other places, had established certain rules and principles with regard to municipal government, which rules might be summed up in a single word—"consolidation." The great advantage of municipal government was that it enabled us to get rid of an infinity of small departments, which, being apportioned to look after some particularly small matters, were elected with little care and consideration, and consisted of inferior persons; and that there was established instead one large Board in the form of a municipal council, which undertook the charge of all these small matters, and being elected once for all, every year attracted attention, and was held as important enough to make persons take pains to get the best persons to sit upon it that could be found. No one could doubt that if the duties discharged by the different committees of a Corporation like that of Manchester, for instance, were divided between Boards, for each of which there was a separate election, they would have an inferior set of men to administer affairs than those who were annually elected to such a Corporation, and who, having those duties divided between them, were subject to be over-ruled by the general body if they did anything wrong. Applying the tests he had mentioned to the 3,600,000 persons who lived under the jurisdiction of Vestries, they would find that Vestries had comparatively small powers over small areas, that their election did not attract any consideration,

and that it was not difficult for any fussy and incompetent person, who chose to take the trouble, to place himself in one of these bodies. From the very nature of the case, and the small extent of the area, they were precluded from taking a large and comprehensive view of anything which came before them. There was a constant system of doing and undoing. A road was laid down to be afterwards picked up. Each of these bodies must have a Staff of Assistants to do its work for it. Imagine the waste that went on in having 20 or 30 sets of persons to do the work, where, by having one body, the work would be devised at the fountain-head after the best consideration that could be given. He did not wish to speak disrespectfully of the vestrymen, but the Vestries were generally composed of small tradesmen, to whom money and time were of great importance, who had a narrow education, and who were not fitted to discharge duties of this kind. The affairs of the Metropolis had quite outgrown the system which prevailed. It was absurd to call the Vestries municipal government; but he thought it was greatly to be wondered at that the system was not worse than it was. They were continually told of the direct election of the Vestries: but the hon. and gallant Member opposite (Sir James Hogg) and his colleagues were elected by Vestries who were appointed nobody knew how or when. To the Vestries elected as he had described were entrusted the municipal functions of the Metropolis. Now, if this was the right principle, why not apply it all over the United Kingdom? Why were not Manchester, Glasgow, Edinburgh, Birmingham, and Liverpool governed in this manner? Why did little Vestries swarm in the Metropolis? In what respect were the people of the Metropolis inferior to the cities he had named that they should submit to this system of government, which was contrary to English notions and feelings? Why, were 3,600,000 people here to be made an exception to the whole kingdom? That was really the question, and it was a question of the utmost importance, demanding an answer different from any that had been given to it. London had a Thames Conservancy discharging a duty which would belong to the municipality, and a School Board, whose

duties would fall on the municipality, and so on with the Boards for different purposes throughout London, all of which might be concentrated in one municipality with good effect. He had fairly described, he believed, the condition of the outside district of the Metropolis, and if the statement was anything like fair, they could not be surprised that the fruit was very much like the tree. The Board of Works had borrowed £15,000,000 and raised £5,000,000 by taxes, and it would be strange if, having £20,000,000, they did nothing with it; but they illustrated one thing clearly—and that was the source, the system, in which they had their being. He thought that the system under which they were elected was about as bad a form as could be devised by human ingenuity. Yet, in spite of these disadvantages, the Board was able to perform considerable public work and service. Nothing was more remarkable than the want of public spirit and of the power of defending themselves possessed by the 3,600,000 inhabitants of London. If there was any Bill affecting the Metropolis before a Committee of that House, and the City did not oppose, the rest of the Metropolis was absolutely helpless. They could not send Vestries; they could not send the Metropolitan Board; they were continually trampled on in the most ignominious manner because they had no organization by which to assert their rights. There was plenty of political life among them, but the absence of a municipality had produced its natural effect, just as the loss of an organ in the human body led to a corresponding want of energy and sensation; and now there was no body so small or petty which could not trample upon those 3,600,000 people—

“Point but a rush against Othello’s breast
And he retires.”

Take the case of the hon. and gallant Gentleman who was the present monarch of this part of Her Majesty’s dominions, who told them he had settled the gas question. Well, there was not a town in England that would have submitted to be treated as London submitted to be treated on this gas question. Ever since he had been a householder in the Metropolis—now 25 years—he had found the quality of the gas year by year getting worse. That did not

arise from anything in the nature or production of gas; but because the gas companies had more power in the House of Commons to carry their Bills than all the 3,600,000 inhabitants had, and that because they had no municipal organization to bring against any power. Nothing had struck him more when he had been in the country—at Glasgow and Sheffield, for instance—than the extraordinary beauty and brightness of the gas as compared with the darkness visible of the London gas. He contended that no people who had proper means of representation would have submitted so long to have been trampled upon by a gross monopoly as London had done in connection with her gas supply. Then take the case of water. What was the greatest insult which one human being could offer another? If one man compelled his neighbour to drink his sewage, the latter was put about as low as he could be put. Yet this was precisely the position of most of the inhabitants of London. He enjoyed the blessings of a water supply from the Chelsea Water Company, and could hardly take up a newspaper without reading about the large proportion of animal organisms in the water so supplied to him. This meant that all the towns on the banks of the Thames above the Metropolis were discharging their sewage into the river, and that the people in London were forced to drink the water so defiled. Did anybody believe that if the Metropolis had a proper municipal organization it would be subjected, he would not say to such an insult, but to such a danger and such a disgrace? Yet the people of the first city in the world were subjected to an insult which no decent master would offer to his slave. These were two instances of the want in London of that which all the rest of the large towns enjoyed—representation by a municipal council. The question was what remedy should be applied? It was clear that no case was made out for leaving these 3,600,000 people any longer to the tender mercies of the hon. and gallant Gentleman the Chairman of the Metropolitan Board of Works, or of those of the Vestries. London was not less unanimous, not less wealthy than other cities. It was the fountain head of information, and when it asked to be placed on a level with other cities, it made at least a modest request. But then it was said—“Oh,

London is too large for one municipality. We must split it up." Such a process would be a mere mockery, because the interest throughout the whole town was really one and indivisible. The experiment of allowing such a population to exist without a municipal centre was a most dangerous one. In quiet times, when the people were satisfied, it might do well enough; but if a time of popular tumult and of riots came, was it not a fearful thing to reflect that here was a population equal to that of a moderate sized Kingdom, with no one to look to for direction and guidance in case of danger? He always felt the greatest apprehension whenever he heard of any great celebration which called the people of London into the streets; for the least accident, or panic, or difficulty, might cause the most dreadful evils, on a scale which could not be contemplated without alarm. The fact that people were at present quiet and well-behaved, was just the reason why precautions should be taken, and why London should now have what all other towns in the Kingdom enjoyed—some municipal form of government, and somebody to be their adviser in case of trouble and danger. This advantage would be entirely lost if the municipality were frittered away into a number of different districts. The interests of all being the same, this would be division merely for the sake of division. Nothing would result from that but jealousies and squabbles between these different municipalities, which would consequently be prevented from adopting measures that would really tend to benefit the Metropolis. We ought to get the best class of men, who would devote their attention to the noble task of securing and regulating the daily life of so large a portion as 3,600,000 of the human race. Unless we were to confess that everything all over the country in the way of municipal organization was entirely wrong, such an organization as existed in Liverpool, Manchester, and other great towns, ought to be granted to the Metropolis. The case he had made out would not be consistent with the maintenance of the dynasty of the Chairman of the Metropolitan Board of Works. It was not necessarily fatal to the continuance of the Corporation of the City of London. It would be for the Corporation to consider whether they would not act wisely

Mr. Lowe

in placing themselves at the head of this great movement, and in occupying the position which they ought to have occupied long ago, instead of confining their attention to a single square mile of ground. It was for the Corporation to consider whether it would not be most wise and dignified to assume this position which would be most worthy of their antecedents. They had done good service to the people in their struggles with the Crown, and they might now inaugurate the cause of the municipal government of the Metropolis. They might consider whether it was right that the large funds, public buildings and property which had been given them by different Sovereigns, partly under the idea that they were giving to the whole Metropolis, and partly because of the foolish dread they had of the increase of the Metropolis, that those large funds should be limited to one single square mile of land. That was for their consideration. He did not speak in antagonism to them; but if they chose to stand apart, it would be for Parliament to consider whether that circumstance should be allowed to stand in the way of granting what was right and just to the rest of the Metropolis. All he urged was that the adoption of this Motion did not pledge the House to any course which was hostile to the Corporation of the City of London; but the inhabitants of the rest of the Metropolis had a right to be placed in the same position with their fellow-subjects in all the other parts of the Kingdom, and to be enabled to manage their own affairs in the same way as they did.

MR. ASSHETON CROSS: The noble Lord has taken great interest in this subject, having studied it for some years, and has introduced to me the first Lord Mayor of the new Metropolis in the person of the Duke of Westminster. The first of the noble Lord's Resolutions may be taken in two senses. It may be taken in the sense in which ordinary Parliamentary Resolutions are taken—namely, that the matter is of such importance that the Government should at once take it up. In that sense I do not propose to deal with the first Resolution. But there is another sense in which it may be taken—namely, that Englishmen have a right to grumble over the inconveniences to which they are subjected, and in that sense I agree with the noble Lord. With

respect to the second Resolution, that is a question which cannot be so easily disposed of as the right hon. Gentleman who has just sat down imagines. The question is not whether things are as perfect as we should like them to be. I grant they are not. None of the arrangements with regard to gas, water, or sewage are perfect. But I think I have heard a great many grumble in the municipalities which have been so much praised. I have heard just the same grumbles about gas, and precisely the same about water, great grumbles about sewage, and still more about a matter which I am surprised has not been raised here—namely, about the rates. And when you talk of taking the water out of the hands of the great companies I must remind the House of two things. In the first place, in almost all the municipalities throughout the length and breadth of the land, the water is in the hands of the companies at the present moment; and in the second, while it is easy to say you will place the management in the hands of a body which will prevent all grumbling, you will have to pay the companies compensation. I will not enter into the question whether it would be wise that one body should have the control of the water supply. It is open to argument. But I say it is not fair to omit the consideration of cost. I would say the same with regard to gas. The gas supply is not, as a general rule, in the hands of corporations. Manchester has made a profit out of it; but in Liverpool and other places the supply is still in the hands of the companies. If at the outset the supply both of water and gas could have been arranged on a regular system, a great amount of money would have been saved and you would have much purer water and gas; and in the same way you would have got a better railway system. But, unfortunately, that is not the way in which we work things in England. We work rather in the dark at first, and then we say it is all wrong and try to put it right. I am far from saying it will not be right to put the water companies or the gas companies under one power; but you must not suppose that you can do this without great expense, which will eventually fall upon the rates; or that you can make such an arrangement at anything like such a cheap rate as if you

had a *tabula rasa*, and were starting on the most economical principles. I am aware there is a great deal of grumbling about the streets, and I should be glad to see steps taken to put these matters on a more satisfactory footing. But do not suppose it is an easy thing to do; and, although we have heard this great corporation which is proposed praised up to the skies, do not be certain that when you have got it, you will be much nearer perfection than you are at present. The noble Lord quoted from rather a wonderful book which has been published about the administration of London, and amongst the divisions of the Metropolis he mentioned the postal districts. But they have nothing to do with the government of London, and if there is one thing centrally governed it is the Post Office. Therefore, I think it was unwise for the gentleman who wrote the book to mention that as a matter for re-consideration. With regard to the police, that is centrally administered, and I believe the police, as a whole, is satisfactorily managed, and will bear comparison with that of any other municipality in England or Wales. I think I should not be justified at this time of night in going further into details. As to the question of grumbling, I am aware there are reasons for grumbling, and I should be glad to do all in my power to see them removed, but that is another question. In the Motion of the noble Lord you cannot distinguish the grumble from the remedy; and I apprehend that his first Resolution is simply the foreground upon which he wants to take his stand in order to obtain that which he puts in the second place—namely, the formation of one great central authority for the whole of the Metropolis. As the noble Lord brought in a Bill last Session for that purpose, we may take it that it is really the foundation of the whole matter which we have to consider, whether it is wise that there should be one great central authority for the whole of London. Now, upon that there is a great deal more to be said than has been suggested either by the noble Lord or the right hon. Gentleman who has just spoken. The right hon. Gentleman asked what was to become of the 3,600,000 people who could not help themselves, and why were they not put on the same level as the population of our other great towns?

I only want to throw out suggestions; but I would put it to the House that when municipal government is proposed the first question which arises is—Have you a municipality to govern? I do not think we ought rashly to jump to the conclusion that these 3,600,000 people form practically a municipality. London has been well said to be not a town, but a province covered with houses. You cannot compare it with any other city in England or abroad. There is not the same community of interest about it which there is in local municipalities. The people in the East and the people in the West are two different sets, and the people in the North are in like manner different from the people in the South. They have different interests and habits, and do not form one body as in Liverpool or Manchester. In a central authority you must have intimate local knowledge of the interests whom that authority is to represent and govern. If you had one central authority here, and divided London into wards, do you think you would get the same class of people to carry on the municipal government that they have in the other municipal bodies in the kingdom? In such places as Birmingham, Liverpool, and Manchester the aldermen and councilmen are generally men born and bred in the particular locality in which they dwell, and who, though elected for particular wards, know the circumstances of the whole town. Would that be the case in London? It would be extremely difficult to get persons with local knowledge of the whole of the 3,600,000 inhabitants of the Metropolis. This question is not considered now for the first time. We have had a great many schemes brought forward. In the first place, we had the scheme of the Metropolitan Board of Works. Vestries were to be made; there were to be no municipal boroughs, but the Metropolitan Board of Works was to be the supreme authority. That scheme the City naturally would not accept. Then there was what was called Lord Fortescue's scheme, according to which there were to be various bodies which were to undertake different duties—one that of lighting, another the water supply, and so on. There was also the scheme of the hon. Member for Southwark (Mr. Locke), which, at all events, had one

great merit—that of simplicity; but if it had been carried out I do not know what would have become of the City. Then there is the plan of a grand municipal council with subordinate bodies scattered all over London, but to be gathered together now and then. These schemes have been brought forward at various times, and now we have the scheme of the noble Lord. The House should consider practically whether that scheme would work in the case of a population unlike that of other large towns, and without the same knowledge which other populations possess of the municipalities in which they dwell. I would suggest to the House whether in London these two great principles are not wanting—unity of interests and absence of the needful amount of local knowledge. The question is, whether you would not practically destroy the Corporation of the City of London by such a scheme as this. Would the Corporation of the City of London preserve its character if this scheme were carried out? In the local municipalities of England and Wales one thing is observable, that they are becoming more political, and it is unfortunate that municipal elections should be treated politically. That does not exist in the City of London at present. I do not know anything which more detracts from the advantage of municipal government than associating it with politics, and before we make any change in the government of London we must take care that we do not fall into the error of making it political. The City of London possesses some of the most ancient charters and privileges possessed by any body in the kingdom. You cannot suppose that the City of London is going to surrender those charters, and deprive itself of these privileges, but you cannot suppose that you can extend all those rights the City possesses under charters to a larger area. The noble Lord asks what the Government means to do in this matter. I fear the only answer I can give him is, that the Government have not the intention of following the example of a great many of their Predecessors, and of bringing in a Bill and then letting it drop. Certainly they would not follow the example of their Predecessors in that respect. If Her Majesty's Government ever thought this question

ought to be taken up, they would bring in a Bill and endeavour to carry it. The noble Lord referred to the Report of the Commission of 1837. Many other Committees and Commissions have sat since then, and I am surprised that neither the noble Lord nor the right hon. Gentleman have referred more to them. Before the Metropolitan Board was constituted a Commission sat which was composed of men of great eminence—Sir John Patten, Mr. Labouchere (afterwards Lord Taunton), Mr. Dudley Baxter, and Sir George Cornwall Lewis. They reported that a change of this magnitude would not only alter the whole character of the City Corporation, but defeat the main purpose of municipal institutions. London was, in fact, a province covered with houses, the persons living at its opposite extremities had few interests in common, and minute local knowledge and community of interests would be wanting if the whole of London was placed under a municipal government. This, added the Commissioners, led them to abstain from recommending that the whole of London should be placed under one municipal body without having regard to other considerations, and if any attempts were made to give such an organization at the expense of the City the utility of the present Corporation would be destroyed. This question was considered again in 1861 and 1867, but without practical result. I do not say that the House is to be bound by the Resolutions or Reports of Committees or Commissions; but I do say that it behoves the House earnestly to consider what has been put forward by these bodies, which have carefully and solemnly weighed the matter. Very important evidence was recently given against the plan proposed by the noble Lord. It requires something more than a discussion of three or four hours before we can assent to a measure which would revolutionize the condition of a population approaching 4,000,000—a population larger than that of Scotland and growing near to that of Ireland. The great point to be considered is this—How can you induce the best men in a place to take part in the government of the municipality? I do not think you now get the best men in your Vestries. These are questions well worth discussing. The House ought to consider

what improvements can be made in the existing system, and it should not come hastily to a conclusion on a question like that before us to-night, but pause with grave consideration before assenting to any such changes as are here suggested.

MR. CHARLEY said, the noble Lord the Member for Haddingtonshire had very skilfully divided his subject into two parts. That a reform in the government of the Metropolis was needed, few, he thought, would deny. The Metropolis was vestry-ridden. The City, however, was not. It had municipal institutions: he wished to see these municipal institutions extended to the Metropolis, but not in the way which the noble Lord proposed in his second Resolution. He wished to see a distinct municipality established for each of the Parliamentary cities and boroughs of the Metropolis. Hitherto, when Parliamentary and municipal government had existed side by side, they had been as nearly as possible co-extensive, and the boundaries conterminous. But the noble Lord proposed to group, for municipal purposes, towns which were separated for Parliamentary purposes. What constituted the peculiar advantage of preserving our present borough system? Why, that it perpetuated the *esprit de corps* of the inhabitants of the particular locality. They were united in sympathy, and acted as one individual for their common interests. The vestries of the Metropolis very faintly reflected this *esprit de corps* in the localities which they represented. But destroy the vestries, and create instead one vast municipality for the Metropolis, and you destroyed this *esprit de corps* altogether. In his belief, it was their duty, in the best interests of the country, to deepen that feeling—they should try to infuse into each Metropolitan constituency a sense of its individuality, of its interests *quâ* constituency, municipally as well as Parliamentarily. That could only be done by calling into existence as many municipalities as there were Parliamentary constituencies in the Metropolis. Let them substitute for each vestry a town council. They would thus extend the benefits of municipal self-government throughout the Metropolis, without in the slightest degree interfering with the time-honoured constitution of the Corporation of the City of London.

LORD ELCHO expressed himself satisfied with the admissions made by the Home Secretary and would withdraw his Motion.

Motion, by leave, *withdrawn*.

EXCLUSION OF STRANGERS.

RESOLUTIONS. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate thereupon [30th May].

MR. CHARLES LEWIS said, it was of great importance that the Question should be decided whether this Order was to be regarded as permanent during the present Parliament, or as existing only during the Session in which it was passed. He thought it certainly ought to be decided at an early day, and ought not to be adjourned to a later day than to-morrow.

Motion made, and Question proposed, "That the Debate be further adjourned till Tuesday next."—(*Mr. Chancellor of the Exchequer.*)

SIR H. DRUMMOND WOLFF said, the House was kept up to a very late hour this morning discussing his Motion, and he therefore begged to move that this House do now adjourn.

SIR WILLIAM EDMONSTONE seconded the Motion.

Motion made, and Question proposed, "That this House do now adjourn."—(*Sir H. Drummond Wolff.*)

Question put, and *agreed to*.

BOW STREET POLICE COURT (SITE) BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to authorise the acquisition of a site in Bow Street for the erection of a new Police Court and Police Station and Offices, *ordered to be brought in* by Mr. WILLIAM HENRY SMITH and Mr. Secretary Cross.

House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, 14th June, 1876.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Convicted Children * [192]; Settled Estates Act (1856) Amendment * [193]; Sale of Intoxicating Liquors on Sunday (Ireland) (No. 2) * [194].
First Reading—Bow Street Police Court (Site) * [191], and referred to the Examiners.
Second Reading—Permissive Prohibitory Liquor put off.
Third Reading—Smithfield Prison (Dublin) * [183]; Wild Fowl Preservation [42], *debate adjourned*.

NAVY ESTIMATES—REPAIRS.

QUESTION.

MR. RYLANDS asked the First Lord of the Admiralty, Whether he will lay upon the Table of the House, before the Navy Estimates are taken, the estimated cost (including per-centages for Establishment and Dockyard charges, of repairing the "Lord Warden," the "Royal Alfred," the "Lord Clyde," the "Urgent," and the "Liffey," stating also for what purposes such vessels are to be used?

MR. HUNT, in reply, said, he had attended the House to answer the hon. Member's Question, but he wished to observe that it was not usual to put Questions to Ministers on Wednesdays, as it was a great interruption to the public service that they should be required to attend the House at 12 o'clock. He would at once state that the *Lord Warden*, would be finished next month, and that the estimated costs were £40,000 odd for repairs. The *Royal Alfred* would, it was estimated, cost £81,000 odd; but it was not finally decided whether certain other repairs would be taken in hand or not. The *Lord Clyde* would, it was estimated, cost £26,000 odd; the *Urgent* £17,000 odd, and the *Liffey* £17,000 odd. The *Lord Warden* and the *Royal Alfred* would be repaired for regular sea service; the *Lord Clyde* would be fitted as a gunnery-ship, and the *Urgent* and the *Liffey* would be prepared as receiving and depot ships for Jamaica and Coquimbo to replace the ships worn out. These charges were exclusive of the established commission charges, which perhaps would amount to 30 per cent in addition.

MR. RYLANDS regretted that he had put the right hon. Gentleman to the in-

convenience of coming down to the House at 12 o'clock by putting the Question on the Paper for that day. He had done so through inadvertence.

ARMY RESERVE FORCES—THE STAFFORD MILITIA.—QUESTION.

COLONEL DYOTT asked the Secretary of State for War, Whether two battalions of the 1st Regiment of Stafford Militia have been ordered under canvass without notice instead of into billets at Lichfield, as previously ordered, by reason of a Report made through the Local Government Board by the district medical officer, totally unsubstantiated, and notwithstanding proof having been afforded by the urban sanitary authority of Lichfield that the allegations contained in such Report of the medical officer were entirely without foundation?

[Mr. HARDY not being present in his place, no Answer was given to the Question.]

PERMISSIVE PROHIBITORY LIQUOR BILL.

(*Sir Wilfrid Lawson, Sir Thomas Bazley, Mr. Downing, Mr. Richard, Dr. Cameron, Mr. Dalway, Mr. William Johnstone.*)

[BILL 19.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Wilfrid Lawson.*)

MR. WHEELHOUSE rose to move that the Bill be read a second time that day three months. He regretted very much the necessity of doing more than following the example set by his hon. Friend the Member for Carlisle, who had moved the second reading of the Bill without remark. He was as anxious as the hon. Member himself could be that, so long as the necessity existed, there should be a full and complete discussion of the question at issue between them, which was raised by what was called the Permissive Prohibitory Liquor Bill. But when he knew that his hon. Friend, after merely raising his hat to signify that he desired to move the second reading of the Bill, would have the advantage of waiting quietly, as he was fully entitled to do, until the speeches were delivered on the one side and the other, and then using (quite fairly) his right of reply, he

certainly felt some difficulty in coping with the hon. Baronet on his own ground. Still he would try to do the best he could under the embarrassing circumstances under which he was placed. That difficulty, however—and he said it in no spirit of compliment to his hon. Friend, but in all sincerity, most earnestly and and from his heart—was considerably relieved by the fact that no man could have a more honest, more kindly-hearted an opponent than he now and always had in the hon. Member for Carlisle. This was not a discussion of a personal character, but one of principle—one in which his hon. Friend thought that he (Mr. Wheelhouse) was wrong, and one in which, if it was permitted him to say so, he was quite sure that the hon. Member for Carlisle was in error. In dealing with the second reading of this measure it was most desirable at the outset that he should move that the Bill be read a second time that day three months. His reason for asking the House to adopt that course was that, so far as the Bill itself was concerned, he apprehended no person could take the measure into his hands and, having read its provisions carefully, could form any but one opinion and come to no other conclusion than this—that the proposed measure, if by any accident it were adopted by the Legislature, would cause not only a *furor* throughout the length and breadth of the land, but would be found so impracticable as to keep every part of Great Britain in one continual scene of turmoil and hot water. Dealing, then, with the principle of the Bill, if indeed it could be said to have any principle at all, which he very much doubted, what did he find? In spite of the Preamble, to which he might possibly refer by-and-by, the measure was fraught with coercion in its worst form, and could only lead to tyranny in its most objectionable character. What did the hon. Baronet propose to do by its provisions? Why, by a majority of two-thirds of the ratepayers, not of the inhabitants or of the residents of any district, but by a majority of two-thirds of the owners or occupying ratepayers, to provide that the rest of the inhabitants, whether owners, occupiers, residents, or simply casual visitors, as well as the ratepayers, should be precluded not merely from getting a glass of beer or spirits when they felt they required one, but also from taking any alcoholic or fer-

mented liquor at any time or in any form. Nay, the hon. Baronet would go further than that. It was his aim and endeavour to shut up or sweep away every single brewer, every single distiller, and, in short, every place where articles of drink were manufactured or sold; so that if the Bill passed, no one should, by any chance, be able to obtain that which he considered one of the necessities of life. No one disliked intemperance more than he (Mr. Wheelhouse) did in all its phases and forms. He disliked intemperance not merely in drink, but intemperance in language, and indeed in every form and every shape; but however much they might dislike or be disgusted with intemperance, there was a great difference between intemperance and total abstinence, especially being made to abstain by compulsion. This Bill, however, it would be found, not merely asked people to be temperate; it did not really seek to make them so, but the Legislature was invited to pass a measure which would enforce compulsory abstinence altogether. Now, he desired to know whether a Bill which would enforce total abstinence by compulsion could be called a reasonable measure? It could not be, and he was satisfied that the issue of this debate would be, as on previous occasions, to reject the Bill altogether by an overwhelming majority. The division might be larger or smaller, for there were well-known circumstances going on elsewhere to-day which would probably affect the numbers, for instance, of this division; but whether there was any increase or diminution in the majority against the Bill, he protested most emphatically against its being regarded as any evidence of the feeling of the public with regard to the measure itself. Whether the numbers were larger or smaller, the course of the debate and the votes to-morrow morning would show that the repugnance of the House was the same, and that there was as strong a feeling and as great an objection to this measure as ever. In dealing with the question of the Permissive Prohibitory Bill he spoke with very considerable feelings of regret, seeing that he had to lament the death, within the last 48 hours, of one who was most active in his opposition to the measure—a gentleman of rare ability, whose clear-headedness and power with reference to this matter had

been well known for years—a man through whose able advocacy much had been done to place the subject in its true light before the world at large. He need hardly say that he referred to Colonel Richards, the late lamented editor of *The Morning Advertiser*. He (Mr. Wheelhouse) wished as earnestly and as strongly as possible to point out that teetotalism, as it was called, or total abstinence, as he would prefer to call it, was not in any way connected with this Permissive Bill movement; for whilst teetotalism was a matter which anyone could practise in himself voluntarily, the Permissive Bill and everything connected with this movement was as widely removed from that which might be denominated teetotalism by moral suasion as it could be. He held in his hand a letter which showed how far the real principles of temperance, or, if they would, even those of teetotalism itself, were separate and distinct from all connection with the United Kingdom Alliance, the Permissive Bill, and the supporters of either. Here was an extract from that letter, addressed to a friend of his—

“I have been a teetotaller 39 years on the principle of moral suasion. If you have an opportunity will you be kind enough to state that the Bill of the hon. Member for Carlisle has nothing whatever to do with the Temperance Society? For one shilling a-year any person may be a member of the Alliance, and there is no restriction upon what he drinks, while he may all the time retain his membership. The temperance man upon the principle advocated is always consistent, while that cannot be said of the Alliance and its followers. Temperance societies of either the earlier or more modern form have nothing to do with the absurdities of the Permissive Bill.”

Now, he was old enough to remember a man who was happily still among them—a man than whom no one had done more for the cause of popular sobriety by establishing temperance societies, and who was loved and respected throughout the whole of the North of England—Joseph Livesey, the founder, he believed, of the first association for the promotion of temperance. To that philanthropist he felt thoroughly warranted in saying more was due in this matter than to any other man in England. Joseph Livesey did not support the principle of the Permissive Bill; on the contrary, he set his face most strongly and completely against this movement, and his views were most emphatically against

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the measure. He knew, as most of them did, that temperance carried on within reasonable limits was a great good, but he was anxious to be disconnected as far as possible from the promoters of the movement which culminated in this Bill. No doubt the hon. Baronet would tell them that the people of this country desired to see the Permissive Bill become law, but what evidence was there of this fact? At one time, Petitions had been presented in favour of the Bill, but these Petitions were the work of a careful organization. The agents of the Alliance sent them up in rolls and batches. He was glad, for the sake of the House and of all persons concerned, that the old fashion of petitioning, so far as regarded this Bill, had been consigned to the tomb of the Capulets. The United Kingdom Alliance had a large fund for this purpose, but they might save their money or spend it more usefully than in getting up Petitions of this kind. If his hon. Friend the Member for Carlisle allowed him very humbly to suggest, there might be idealized a plan by which a large portion of the Alliance funds so gathered together could be appropriated after the fashion of the noble charitable institutions connected with the licensed victuallers' trade and other societies—namely, in providing asylums for the aged and the poor, establishing schools for the children of distressed members, and founding orphanages. Thus good use would be made of the money which flowed so copiously into the coffers of the United Kingdom Alliance. The hon. Baronet no doubt would further tell them that the measure would make the people sober by taking away from them the means of temptation which were so rife on every side. He (Mr. Wheelhouse) wished most sincerely that that doctrine had been taught when the Wine Licensing Act was pressed forward—when the grocers' licences were granted—and especially when the legislature first broke through the rule of the old licensing system, and imported a new class of public-houses into the country. Let there be no mistake about the matter. While anxious not to say a word against any existing interest, it was most unjust, unfair, and unreasonable to charge the licensed victuallers of this country—as respectable and honest-minded a body of men as could be found in the community—with the sin of affording increased

facilities for drinking, when everybody knew under what circumstances those facilities had been granted, and how those other houses had been opened. Let them hear no more, then, of these charges against the licensed victualler. Again, they were told that drunkenness was on the increase. He ventured to say without fear of contradiction that it had not increased in Great Britain, certainly not in England relatively to the enormous increase of the population; and he hoped and trusted that the time was coming when every man, whatever his station in life, from the veriest pauper to the Peer of the realm, would regard drunkenness as a disgrace, and would in his own proper person deal with it as a thing to be avoided by every respectable man. He believed that that result would be accomplished infinitely more by moral persuasion, by real teaching, of which there was now no lack of means, than by any measure of a compulsory character, whether secular or legislative. If they could not succeed by these means, depend upon it they never could hope to make men sober by Act of Parliament. He agreed with that high authority, who so well said that he would rather see men free even than made sober compulsorily. He by no means under-estimated sobriety; but, above all things, he valued as the highest possession of Englishmen that freedom from coercion and tyrannous legislation which was his absolute birthright, and which under all circumstances he should be prepared to defend. What was the object sought by the Bill? Was it freedom? Nothing of the kind. It provided that if two-thirds of the ratepayers, gathered together anyhow, in any hole-and-corner meeting—under the authority it might be of a teetotal mayor, or possibly a teetotal chairman of a vestry—should declare that the Permissive Bill should be brought into operation within that district, then it would become *ipso facto* the law of the land for the next three years. Why was he to be told when he was to take a glass of wine or beer? Who were those who were to interfere with his freedom of opinion with regard to what he should eat and drink? They might as well interfere with the kind of clothes he wore, or the language he used. No man had a right to make him a slave, coerce him in the opinion he held, or say this or that was wrong,

and especially wrong for people in a lower class of life. Perhaps, according to the opinion of these gentlemen, it might not be so far wrong for him or those who brought forward this Bill. Perhaps it was right that he should go to the dining or smoking-room of his club, drink there in reason and moderation, play billiards as long as he liked; but, while that was right for a man of his class, they were told they should take care that a poor man should not go to his club (the public-house) and play billiards there any longer than they liked. When he heard things of that kind, and knew, moreover, that there were places in London, places of high repute, not a thousand miles from Pall Mall, where, when a proposition was made that their billiard-room should be closed on Sundays, the club ruled to the contrary, he thought it very hard that, if that could be done in Pall Mall at any one of the large houses on either side of the street, the corresponding houses for the poor should be hermetically sealed, by the very same class of people who were called upon to legislate for Chandos Street or Drury Lane. That which was reasonable and fair for him ought to be equally reasonable and fair for the poor, and if they were to begin at all let them begin where it was sometimes said that charity began—"at home." When he found the clubs for the rich were shut up on Sundays, or that they had nothing but water-bottles on their tables, then he should be inclined to say there was something more than mere profession in all these attempts to legislate for the poor. When he found that not far from the spot on which he was standing there was nothing stronger than lemonade and coffee to be had, he should begin to think that the Lower House of the Legislature might by accident have some idea that their talk was right and that their practice might be amended. During the last Easter Recess, which he spent in the North of England, he was enabled to go over some of the large towns, and during the Whitsuntide Recess he stayed in London, in order to make, so far as he could, an investigation of a concurrent character to that which he had been pursuing in the country. During the whole of the Easter festivities, which were not so fully attended as he should like them to have been, in consequence of the inclemency of the season,

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but still very largely attended by all classes, not only in the borough which he had the honour to represent, but throughout the length and breadth almost of the whole North of England from Kendal down to Derby—while about the streets and going into almost every place where it might be thought drunkenness would be found after those festivities and merrymakings, he was pleased beyond measure to be able to say that he did not think he saw three drunken men in the whole North of England, and he did not believe that the returns of the stipendiaries, the magistrates, and the police would tell them of a dozen cases of apprehension for drunkenness. But thinking it was only just and right that he should as far as possible test what London was like during the Whitsuntide festivities, when there was finer weather—and he only wished it had been finer still on the day when the hon. Baronet led so many of his followers into Hyde Park—looking at what he saw, he challenged the hon. Baronet to come into Court and say how many of his own followers, or those who differed from him, were brought up for drunkenness after these festivities. And then, forsooth, they were told that drunkenness was increasing—that people did not keep as sober as they ought to do. There would and must be in all communities persons who would exceed what was good for them, but they were comparatively few and far between; and as day by day time got older, if he might use the expression, these men were converted from the evil of their way. He did not hesitate to say that, as regarded London and the large towns, the allegation that drunkenness had increased had no foundation whatever in fact, if considered, as it ought fairly to be, in relation to the increase also of the population. Unless they could show him that a man by the moderate use of stimulants broke the law, social or Divine, he would never believe that that which had been created for the benefit and use of mankind could or ought necessarily to be stopped by the poor, the puny efforts of human legislation. No proposition could be more absurd than, because here and there some few men abused the good gifts of Almighty God, those gifts should be actually prohibited from general use. But there was another view of this question. Why

was he to be subjected to that which was very like punishment, practically, because some men, or some few men, could not keep themselves as sober as it was desirable that they should do? They were told in a paper which he held in his hand that this Bill was to be passed—

“Because it supplied the means of enabling the people to indicate with legal effect to the licensing authority whether the traffic in their midst was desired by the inhabitants of a district, and was therefore quite compatible with any measures of licensing reform which might commend themselves to the judgment of hon. Members.”

In that were involved two of the greatest fallacies which could possibly be advanced. First of all, he denied that the Permissive Bill “supplied” in any way—

“The means of enabling the people to indicate with legal effect to the licensing authorities whether the traffic was desired by the inhabitants of a district.”

Not a bit of it. The ratepayers and owners were the persons who were to declare, if they could be got to declare—and a great many of them would not take the slightest trouble about making any such declaration or answering any such inquiry—upon a sort of paper “Yes” or “No” whether this Bill was to be enforced or not. As to occasional residents or anybody except the rated inhabitants or owners there was not a word in the Bill; and therefore to say it enabled the people—he liked that idea of “the people”—to indicate whether the traffic was desired or not was altogether fallacious. This Bill took care to exclude everybody except the ratepayers and owners of property in a district. If there was anybody who ought to be excluded from having a voice in this matter it was the owner of property, because he might have an interest wholly and entirely apart from that of the general inhabitancy and the general residency of the district. He had heard of districts where one gentleman, possessing the whole of the property, had chosen to exclude public-houses from the place; but did any human being imagine that anybody living in that reserved area could not get and did not get drink if he wanted it? Why, of course he did. Just round the edge of any one of those reserved districts there were public-houses, and within the dis-

trict itself they would find grocers’ shops and secret illicit dealing here, there, and everywhere. Did not they know perfectly well that in the sister country there were places where whiskey was said to be made up in the hills merely to defraud the revenue? And was it to be said that in England, when men wanted to satisfy their appetite, they would find any difficulty in doing it? Hon. Members knew better than that. In any reserved district the owner of the property might even find it desirable not to get rid of actual drinking if he could, because it would be interfering with the freedom of the people. Then they were told that—

“Therefore it was compatible with any measures of licensing reform which might commend themselves to the judgment of hon. Members.”

He apprehended that, so far as that House was concerned, hon. Members by a majority could pass anything they thought good, whether it was really wise or unwise. He was happy to think that in this matter there was not much chance of the Bill being passed; but when the statement went beyond that, and told them that they might pass a measure like this so as to be compatible with the licensing laws of this country, he said that was as broad a fallacy as could possibly be stated. Nobody knew better than the hon. Member for Carlisle that, if by accident a reserve district was made, either through the instrumentality of the owner or of the ratepayers, so far from that being compatible with any measure of licensing reform it would run in the very teeth of such reform and, he ventured to think, would put it back for at least 50 years. And for this reason. Outside that district there would be people who would say, “This must not be;” and there would be from end to end of that district and neighbourhood continual dissatisfaction, and, he ventured to think, everlasting turmoil and annoyance. Then the paper went on to say—

“Because in no other way could Parliament remove the injustice of perpetuating the liquor traffic in any district against the will of the community, for whose convenience licences were granted, and for no other alleged reason.”

Again, in reference to that assertion, Parliament must be very much weaker than he took it to be—it must be almost effete—if this measure was the only way in which it could—

"Remove the injustice of perpetuating the liquor traffic in any district against the will of the community."

He denied there was anything like reasoning in an allegation so broad as that. But the proposal went on to say—

"Because a majority necessary to its operation could prevent its adoption, except in localities or districts where the traffic was regarded as being accompanied by advantageous results."

That statement was utterly baseless, except that a certain number of gentlemen, headed by the hon. Member for Carlisle and some few others, held it to be sufficient to convince the wide world that they were right and the rest wrong. So long as majorities ruled, whether they were majorities of two-thirds, or majorities pure and simple, the people of England would never follow the lead or believe in the allegation of those who had chosen to make that statement. Then the next assertion was—

"Because it applied to a trade which was admittedly within the province of the law, the constitutional decision by a majority; so that to oppose it was virtually to assert that the minority should rule the majority upon a question which was confessedly one for the wants and wishes of the inhabitants."

He ventured to think if, upon the principle of a very famous head-constable of whom we read in Shakespeare, there had been any requirement as to what should be written, it was pretty strongly put forth in that statement. "Because it applied to a trade which was admittedly within the province of the law," "the question was admittedly one for the wants and wishes of the inhabitants." Not at all. By this Bill the inhabitants as such had nothing to do with it, unless they happened to be owners or ratepayers. Who was to define the district? Was the ratepayer on this side of the border to be placed in one position and the ratepayer on the other side in another? And by whom? Not by the majority of those within the district sought to be legislated for, but by certain irresponsible persons in the general community, who never consulted the wishes or feelings of the great mass of the people in any way, and who in nine cases out of ten, in a question such as this, had interests diametrically opposed to those of the great body of the people. When they came to consider the provisions of this Bill they found that at the end

of every three years, if they got the Bill, and at the end of every one single year if they did not get it, there might be elections following elections, and feelings of the strongest possible antagonism would be aroused on all hands. Why, the country would be kept in a constant state of turmoil if the advocates of the measure did not get their way. We had now elections for municipalities, for Poor Law Guardians, for School Boards, for Local Government Boards, for Vestries, and for Vestry and Local Board wards; and still these gentlemen wanted to give us not only another election, but one which would be fraught with the greatest possible principles of antagonism, according as they were laid down by his hon. Friend the Member for Carlisle himself. [Sir WILFRID LAWSON: No elections.] No elections? Perhaps not, in name; but did his hon. Friend mean to tell him that, so far as the provisions of this Bill were concerned, although there might not be elections, with banners, and drums, trumpets, fifes, and hughes, such as his hon. Friend headed the other day towards Hyde Park, there would not be elections which, without any such paraphernalia, would still produce feelings of dislike and antagonism throughout the whole of a district? The hon. Member had only to go back to the days of the hustings in any one of the large towns in the North of England, leaving that free Alsatia of his at home, to realize the kind of elections which would take place if the Bill were brought into operation. He (Mr. Wheelhouse) wanted to avoid everything of that kind. If the Bill did not mean election—if the filling up of the voting papers "Yes" or "No," declaring that the operation of the Bill should or should not be brought into play, was not an election, he really did not know what an election meant. He did not mean to say that an election under the provisions of the Bill might not be more quietly done than under the old plan of elections, with blue or yellow colours, and drums, fifes, and what not. But the election, being so conducted, would only tend to raise the antagonism of feeling greater and more intense in a matter of this kind. Again, referring to the paper from which he had quoted, it was stated that this Bill ought to pass—

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"Because it was not justly chargeable with class partiality, for those who would be more immediately affected by its operation were the persons who would be most benefited directly or indirectly by the effect of public order and domestic sobriety."

Now, he would rather leave the question of domestic sobriety to our own households. He did not need anyone to deal with his domestic arrangements. He had never asked them to interfere with his legitimate wish as to a glass of wine or beer, and did not know what right they had to do so, any more than they had to interfere with his stables or any other matters so far as his *personnel* was involved. They might deal with the question of "public order" if they would, but nobody had a right to deal with his "domestic sobriety," as they called it, or domestic anything else, unless he broke the law. Then they were told that this Bill was not chargeable with class partiality. Why, what in the world was it but class partiality from beginning to end? It would allow him and his hon. Friend to go where they knew they could get what they wanted, but would deny the same right to others who were not so well off. This Bill was the greatest attempt at class legislation that was ever idealized by mortal man. He was told that the people who would be more immediately affected by its operations were those who would be most benefited directly and indirectly by its effect, but he objected most strongly to anybody telling him he must be a good boy. He had come to a time of life when he thought he knew what was good for himself, and most other people who had come to years of discretion were also able to judge for themselves. The gentlemen who had put these statements forward had their own dining-rooms and drawing-rooms and cellars, and were generally in a better class of life than the workers, toilers, or, to use a Yorkshire word, the "moilers" in our workshops and manufactories. When these gentlemen, with all their comforts surrounding them at home, with everything they wanted, told them that somebody else would be benefited to a very large extent by adopting what they wished to enforce upon them, he should like to know whether they had mixed amongst the class of people they would teach, whether they had been by

their bedsides, in their cottages, and whether they had not applied to them the circumstances of their own comfortable hearths and surroundings. It was the kind of personages who did not understand the wants and requirements of the working classes who got up this agitation. The general body of the people of this country thoroughly and most emphatically repudiated it. Before they were told what was beneficial for any class of society, let those who thought they knew go where he could take them. Let them go down to Limehouse, to places in the neighbourhood of that House, to the North of England, to the great manufacturing districts of the Midlands, and see what the workers really were—see how they lived, know their work, study their requirements; and then perhaps such an allegation as that they would be directly benefited by the operation of the Bill would not be repeated. If people wanted to be benefited by the operation of temperance and sobriety there was nothing to prevent them. They could abstain from going into public-houses. Nobody compelled them to go there. But he did object to persons in an elevated position in life looking down upon a class so far below them, and whose wants they did not understand, and saying, "We are doing this for your benefit, good people;" and, with a sort of "Bless you, my children," patting them on the back as if they were very babies. The hon. and learned Member concluded by moving the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Wheelhouse.*)

MR. MORLEY: I have never had an opportunity of speaking on this Bill before, and as I intend to vote with my hon. Friend the Member for Carlisle, I should like to say a few words of explanation. I should be very glad if anything could be done to divest this subject of the bitterness which attaches to it. A great deal of the antagonism, I believe, arises from an idea which is abroad that there is a large body of determined persons, the advocates of the present Bill, who have made up their minds to interfere with a trade in which large sums of money have

been invested. While I believe in the principle of leaving it to the inhabitants of a district to decide as to the number of public-houses in that district, I would be no party to any proceeding which would abolish the trade without some fair system of compensation. I say this at the outset, because the law having recognized this property, just as 40 years ago it recognized a property in slaves, and the nation refused then to do away with the slave system without making compensation to the owners of slaves, so I say the public-house keepers having conducted their houses in a proper manner, and having received licences which, though only given for a year, are supposed to be continuous, I would be no party to destroying or extinguishing the public-houses without some reasonable compensation. With regard to the speech of the hon. and learned Member for Leeds (Mr. Wheelhouse), if I understand him correctly, he demurs to our interfering with men at all until they become criminal. I think that was clearly the line he took with reference to the habit of drinking producing crime. I believe it to be a legitimate object for this House, however—if there is any system which is full of danger in connection with the habits and proceedings of the people, I hold it to be a legitimate thing for the House of Commons to interfere and say—"We must restrict liberty in certain proceedings because there is possible danger for the future in connection with such habits." Whether we like it or not, we have handed over the government of this country to the working classes of the country. No doubt the changes that have been made in the electoral system have given to numbers the power of deciding what shall be done. I am unwilling that great national subjects shall be discussed and decided upon over beer in public-houses to the extent to which that goes on at present. I do not believe in interfering with the liberty of the people. I believe in permitting everything legitimate in the way of personal liberty as well as in the amusements of the people. I quite agree with that part of the speech of the hon. and learned Member for Leeds—and that is about the only part in which I do agree with him—where he said that we need to interest ourselves more in the amusements of those who are now attracted to the public-houses. We do need to do

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something that shall act as a legitimate competition with the public-house. I have had a great deal to do with the working classes, and I have mixed with them and been very deeply interested in them, and I know that there is a growing feeling on their part that legislation on this subject is needed. That is emphatically so in Ireland, and in many places in England also, where you will find great public meetings—the admission being without ticket—filled by working men, who, with almost entire unanimity, are calling—not exactly, it may be, for this Bill, which needs seriously looking at in some of its provisions—but for distinct legislation in the direction of the curtailment of the facilities for drinking. I confess that I look with terror at the future of England, unless something is done. I am thankful that this cannot be looked upon as a Party question, for although, no doubt, a large proportion of hon. Gentlemen on the other side of the House support the present system, there are some honourable exceptions who believe that some remedy for the present state of things is needed. I will not trouble the House with statistics, but there is one fact which I read yesterday in an authoritative document which I must mention, and that is, that in the year—I think it was 1869, but the precise date does not much matter—the amount consumed in drink in this country was £100,000,000, and that last year it had risen to £150,000,000. If that goes on we must find some remedy, or else there is exceedingly great danger to the order and well-being of society in the future. As a citizen of London I speak the sentiments of thousands of earnest men in London—we complain bitterly of the additional half-hour's drinking which was forced on the people by the present Government, for the convenience of theatre-goers. I am sure that that half-hour is the worst half-hour of the whole day, and I think a great wrong was done to London, with its 4,000,000 of people, when that was done by the Government. I shall vote for this Bill because I wish to see progress in this direction. I do not believe the Bill is perfect, but I vote for it because I am satisfied that something is wanted. I have to do with many movements in London to save juveniles from crime and lessen misery and destitution, and I know that nine-tenths of those evils are traceable to this

curse of drink. Therefore it is that I support this Bill. One of the most important things we could do would be, to secure a reduction in the number of houses, for there is hardly a place in which there are not at least twice as many public-houses as the people need. The inducements to build such houses are great, and they are built without any consideration as to the necessities of the people. Another fact is incontrovertible. In Liverpool the year before last, there were 23,000 persons charged with drunkenness, and only three publicans were brought up in consequence of that state of things. That shows a laxity on the part of the magistrates which should be looked to by the Home Secretary, with the view of seeing whether the existing law is stringent enough. Public opinion is strong on this subject. There is a deep conviction on the part of the people that something is needed. While I thank my hon. Friend the Member for Carlisle (Sir Wilfrid Lawson) with all my heart for his earnestness in this matter, I yet differ from him as to the practicability of some of his proposals. At the same time, I give my hearty support to the second reading of the Bill.

MR. A. MILLS protested against the practice of hon. Gentlemen charging those who sat on the Ministerial side as if they were influenced only by consideration for the interests of the publicans. He should be sorry if by any vote he might feel it his duty to give he did injury to any tradesman; but his vote would not be influenced by any considerations of that kind—he opposed the Bill solely on public grounds, and because he believed that if carried it would not effect the object the hon. Baronet, its proposer, had at heart. It was a coercive measure, and wherever coercive measures of that kind had been tried they had failed. Stripped of all verbiage the Bill proposed to disestablish public-houses and thereby to disestablish drunkenness. He had noticed that the supporters of the Bill did not like some allusions he had made on a former occasion to the United States, and he would therefore only say that, having had real opportunities of observation, the Maine Law was utterly fruitless as a means of checking drunkenness. He would, however, come nearer home, and speak of the constituency which he

had the honour to represent—that of Exeter. Owing to recent restrictions, there had been established six or seven proprietary clubs—working men's clubs—which were in reality unlicensed public-houses. He held in his hand the rules of some of them, and he knew what they were. In one case, where a man had very properly been deprived of his licence by the justices, he converted his house into a proprietary club; he kept it open at all hours and on all days; he was not subject to the licensing laws or the supervision of the police; he was no longer liable to have soldiers billeted upon him, and, although he sold liquors without restriction, not only to gentlemen but also to lady members, the Bill of the hon. Member for Carlisle would not touch him. The Bill would, in fact, disestablish licensed public-houses, and establish unlicensed public-houses under the name of working men's clubs. The Bill might be effectual to close the public-house; it would fail of its object if it left the club-house open—instead of diminishing the temptation to drunkenness the Bill would increase both the temptation and the opportunity. They were told that there was a strong feeling out-of-doors with reference to this Bill. No doubt there was a general desire to check intemperance; but the speech of the hon. Member for Bristol (Mr. Morley) was more in favour of the Bill of the hon. Member for Scarborough (Sir Harcourt Johnstone) than that now before the House. But the great thing to consider with regard to outdoor feeling was whether it was spontaneous or not. He had within the last few days received a great number of letters from his constituents—and no doubt other hon. Members had been favoured in like manner—pressing him to support the Bill of the hon. Member for Carlisle. He regretted to say that many of these letters were not post-paid, and it would be well if from their large funds the Alliance would send out with their missives a few postage stamps. A circular had fallen into his hands which was important as affecting the spontaneity of this ebullition of feeling. It was to the following effect:—

“United Kingdom Alliance.—The Committee beg to inform you that the second reading of the Permissive Bill is fixed for Wednesday, June 14, and Sir Wilfrid Lawson will be glad if the electors, non-electors, and even ladies,

would write to your City Members a few simple, earnest words from their hearts on this important question, asking them to vote for the measure. The names and addresses of your Members are appended hereto."

He did not find fault with the action of the hon. Member for Carlisle, but it was now clear that what appeared to be a spontaneous ebullition on the part of the citizens was in fact the simple and heartfelt suggestion of his hon. Friend. He did not wish to treat this question with levity—it was a question of the highest importance; but he could not help thinking that the hon. Baronet and his friends were going beyond the legitimate province of the law. He did not seem to be aware that this kind of penal legislation was very likely to provoke a reactionary feeling against the cause of temperance. His belief was that temperance would be more advanced by providing suitable dwellings, wholesome water, and pure air for the people, than by enacting penal laws, which were sure to provoke a just reaction. It was a transgression of the limits of legislation to interfere with the morals of the people in this manner. The province of legislation was simply to maintain law and order. If a reduction in the number of public-houses was essential let it be effected in some other way. Do not grant new licences where they were not required. If they closed the houses in one district what was to prevent the inhabitants from sliding into another, and providing themselves with what they required? In the United States this was the effect of the Maine Liquor Law. The best remedy for the evil, which all right-minded men deplored, was so to elevate the character of the people as to make them ashamed of drunkenness, and to expel this vice from the lower ranks of the community by the ennobling influence of Christian education.

DR. KENEALY concurred in the opinion expressed by the hon. Member for Exeter (Mr. A. Mills) that the opposition to the Bill was not actuated by so vile a motive as the publican interest. From his observation of the Government Party since he had the honour of a seat in Parliament, he was convinced that they were as sincerely anxious for the welfare of the humbler class of the community as any Party could be. He had listened anxiously to the speech of the hon. and learned Member for Leeds

(Mr. Wheelhouse), because, although he believed in the propriety of passing this Bill into law, still, he was eager to hear what the champions of the Intoxicating Power of the country would be able to say in opposition to the measure. The hon. and learned Member for Leeds had astonished him by declaring that the Bill was impracticable; but although he had listened very attentively to the hon. and learned Member's speech, in order that he might learn in what particular respect it was impracticable, he had failed to find any proof given. The hon. and learned Member for Leeds had also declared that he could see no principle in the Bill; but surely it must be apparent that the great principle involved in it was the principle of Temperance, and that it laboured to carry out on an extended scale a system of Temperance throughout the country which would be attended with the greatest possible blessing to the community. The hon. and learned Member had harped much upon coercion; but there was no coercion at all in an improper sense contemplated by the Bill. Every community which was subject to law consented to divest itself of some of its liberties, and coercion, to some extent, existed everywhere. We had laws for compulsory education—that was coercion. We had laws against gambling—that was coercion. The hon. and learned Member plaintively but energetically asked whether he was to be made a slave? A gambler might ask the same thing; but no one would listen to his wailings. The parent of a child might say—"Why am I to be compelled to send my child to school?" but his plea would not be entertained. If a drunkard or an ardent supporter of intemperance came forward and asked—"Shall I not be allowed to get as drunk as I please, and introduce misery into my family by my example—shall I not be allowed to bring up my children in pauperism and wretchedness?" the Law said—"No, it cannot be allowed." Such freedom as was asked for by the hon. and learned Member, was not freedom, but licence—nay, it was licentiousness. And it was against such abuse of liberty that all laws were aimed. The hon. and learned Member had found fault with the fact that there were certain members of the Alliance who did not believe in the principles of the Society, or, rather, who did

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not carry them out in practice. But that would be found to be the case in all great public movements. Hypocrites joined them for their own purposes, and could not well be excluded; but in what way could that weaken the force, or render us careless, of the convictions of the thousands of honest, virtuous, and earnest people whose hearts were in the cause? Then, the hon. and learned Member asked, was the Bill wanted by the people? For an answer to that question he need only ask any intelligent operative, or any man who really had at heart the welfare of his country, and knew its requirements. It was true that there had not been many Petitions in favour of the Bill, but neither had there been any against it. The people did not care to petition, seeing how Petitions were treated; but their feeling in favour of the Bill could not be denied. And that feeling was growing more powerful every day. He had last night attended a meeting at Exeter Hall in support of the measure, which was crowded with well-dressed, intelligent working men and women, persons who were an honour to the country that owned them—such a meeting as the intoxicating interest of this country could never assemble. As to the statement that drunkenness was not increasing, the statistics which had been given by the hon. Member for Bristol (Mr. S. Morley) showed that a considerable increase had been going on, if the consumption of spirits had increased 50 per cent in 10 years. What had the hon. Member for Bristol stated?—no doubt after full inquiry—why, that whereas some six or eight years ago the money expended on drink in this country amounted to £100,000,000 a-year, it reached last year the astounding figure of £150,000,000. Only think of that. £150,000,000 squandered, not in use, but abuse; and let us realize to ourselves what blessings those millions, if spent at home, would spread, instead of being wasted at the public-house. Here was the source of vast misery—the source of crime; and in view of that fact he ventured to predict that the overwhelming opinion of the country would declare in its favour, and it would be impossible to oppose that feeling. The passing of this Bill was simply, therefore, a question of time; and it must eventually appear upon the Statute Book of the Em-

pire. He agreed fully in another respect with the hon. Member for Bristol, that compensation ought to be, and must be, given to those whose property was diminished in value, or was wholly taken away from them, by the operation of the measure if it became law. He was no advocate for confiscation, but the reverse; nor did he believe that the Alliance wished it. And he would support the hon. Member, or any other, who proposed compensation for loss sustained. The hon. and learned Member for Leeds had asked—How could the opinions of the community on the subject of public-houses be ascertained fairly? and he suggested what he called “hole-and-corner meetings” as being those in which the vote would be taken. He referred the hon. and learned Member to the vast borough of Leeds, which he represented, and asked the hon. and learned Gentleman whether those words could refer to the ratepayers of such a town, two-thirds of whom would have to declare by their votes whether they were satisfied or not with the present unlimited supply of the means of drink? The hon. and learned Member had likewise complained that the ratepayers and owners of property were those in whom the power of voting proposed by the Bill would vest. In whom else ought it to vest? The ratepayers were those who, in their own persons and purses, and in the spectacles which they witnessed around them day by day, felt most bitterly the increase of taxation, which was the result of the increasing drunkenness and consequent crime of the community. He had conjured up a spectre of flags, and banners, and hustings, and all the paraphernalia of a popular election, entirely forgetting that the Bill provided for taking the votes of the ratepayers by the simple method of signing “Yes” or “No” to a printed circular. The hon. and learned Member had gone even to the length of saying that it would set every third man against his neighbour. He believed in no such result. The good sense of the English people would always lead the minority to assent to the will of the majority; the more especially as they would find out before long that the views of that majority tended only to the public welfare. The hon. and learned Member told them that the House was acting inconsistently because it had, to a certain

extent, been responsible for the drunkenness of the country by the measures which it had passed. He quite agreed with the hon. and learned Member that the Acts which were passed by the Liberals, including the privilege accorded to grocers to diffuse the blessings of intoxication among their customers, had that tendency, but that was no argument against the Bill or against making some attempt to improve the existing state of affairs. He, although he sat upon the Opposition side, did not hold himself in any way responsible for, or bound by the crimes of the Whigs when they were in office; and he fully concurred in the observations of the hon. and learned Member, when he denounced Lord Brougham's Beer Act as the fertile source of crime. Then they were told that drunkenness was not on the increase; but that it was increasing was proved by the statistics which had from time to time been published. He believed that when the case came to be properly stated and properly understood, hon. Gentlemen opposite, who were quite as patriotic as any others, would be found supporting the efforts of the hon. Member for Carlisle; and, though he had no hope that this Bill would pass this year, he was satisfied that eventually it would do so, by an overwhelming majority. It was all very well to say they could not make men sober by Act of Parliament. Neither could they make men virtuous by Act of Parliament; but they passed laws to punish crime, and to make people as virtuous as they could; and he did not see why something should not be done to limit drunkenness. The way to do that was not to have public-houses as numerous as the gas lamps in the streets, or the beer barrel brought, as it were, to every man's door. If we could not make men sober, we ought not, at all events, to allure them into drink, as was effected by the present system. He felt persuaded that if the number of temptations to drunkenness were diminished, the amount of drunkenness would sensibly decrease. The hon. and learned Member had said—"Why do not the men abstain? Why do they want a law?" If all men were above weakness and human frailty, and never yielded to temptation, and were, in a word, infallible and perfect, that argument might apply; but in the present condition of

humanity, weakness overcame the best resolutions, and men fell. As to the observations of the hon. Member for Exeter (Mr. A. Mills) that if this Bill passed the public-house interest would, as it had in the city which he represented, defy the law by establishing "proprietary clubs," he had no fears upon that head. He did not think Parliament ought to be influenced by the remote contingency of such clubs being established generally throughout the country for the purpose of setting the law at naught; but if the evil did arise to any extent after the passing of the Bill, Parliament would be willing and strong enough to deal with it. For these reasons he should support this measure.

EARL PERCY said, he regretted that he felt compelled to vote against the Bill. He entirely agreed with much that had fallen from the hon. Member for Bristol (Mr. Morley), and he believed that much required to be done; nor was he without hope—although he was not certain on the point—that something might be done in the required direction by legislation. But he did not see how this could be a reason for voting for a Bill, which, in principle, was he believed unsound and mischievous, while in its result it would probably not attain the end it had in view. At the same time, he confessed he had great sympathy with the supporters of the measure, and he trusted that those who spoke on either side of the House against the Bill would express the same sentiment, for he was sure that there was much to be said for it. The evil it sought to remove was no slight one, and he did not see that much was to be gained by those who attempted to prove that it was not an increasing evil. Whether the evil was an increasing or a diminishing one, and even if it were only slowly diminishing, the fact remained that it was a fruitful source of crime, misery, poverty, and immorality; and it did not become them to take shelter under the fact that they hoped some modification had taken place, or was about to take place, in some of its worst features:—they ought rather to attempt to discover whether they could not deal with it in an adequate manner. Neither did he agree with those who considered that the agitation on this question was not so great as it was supposed to be. He was quite sure, from

thought that they could not do all that was wanted by legislation. There was a great deal that must always be left undone by legislation in this matter. He entirely agreed with the hon. Member for the City of Exeter (Mr. A. Mills), when he said that there were other steps to be taken before they could make this country sober; but at the same time he thought there was something which could be done by the Legislature; and it was because he was convinced that that they had not acted wisely on the question of drunkenness that he was prepared to give his vote for the Bill of the hon. Member for Carlisle; though, with other hon. Members, he thought that the measure as it now stood, if not entirely impracticable, was one which would effect but in a small degree the object which the hon. Baronet had at heart. But it was the only measure before the House at the present time which went in the direction in which they wished to go. He did not agree with hon. Gentlemen who said the principle of the Bill was temperance; in his opinion the principle was local self-government. It was that a neighbourhood had a right to say whether they thought a particular trade was a nuisance or otherwise; and if they thought it was so, power was given them by law to remove it. The hon. and learned Member for Leeds (Mr. Wheelhouse) had told them that he was opposed to drunkenness; but that he was not to be coerced, that he was not to be enslaved, that he was not to have his freedom interfered with by the advocates of this measure. Well, there was not a single word in the Bill to interfere with that opinion. What the Bill said was, that if a majority of the inhabitants of a neighbourhood found that the presence of public-houses in that neighbourhood was to them ruinous, or injurious, or offensive, they should have the right to say those houses should be diminished, or done away with. He thought the Bill failed in giving to the neighbourhood the power to say only that they would have no public-houses at all. It would work in very few districts, perhaps, but it would be of great advantage there: in most districts it would be a dead letter. The Bill, however, would establish the principle that a majority of those who had to pay the taxes—and those were the people whom they had made the power in this country, for it was they

who elected the Members of the House of Commons—should say whether something should be done or should not be done, to get rid of what to them was a terrible evil. The noble Lord (Earl Percy) had spoken of a “tyranny;” but there appeared to him (Mr. Noel) a greater tyranny under the existing system of licensing than any spoken of by the noble Lord. The noble Lord mentioned a village in which it was proposed to the publicans to take out only a “six days licence,” and close their houses on the seventh, and the noble Lord said they all agreed, with the exception of “three,” who refused, and the obstinate selfishness of those three compelled the others to keep open. He should like to describe to the House a case which had come under his own knowledge, so that it might know under what tyranny some of the inhabitants of districts existed. The publican who lived in the village he was acquainted with—and there was only one at the time he was speaking of—was an honest, upright man, and the people were thoroughly content with the way in which the place was going on—might be looked upon as a little Arcadia. There was no drunkenness there, or very little. Well, a brewer of the neighbourhood looked down on them and thought they were far too happy, and he built a house fit in every way to have a licence. There was a population of 1,200 in the village, and as no magistrate would say that a second public-house in such a neighbourhood was out of place, the brewer got his licence, and the miseries of the villagers commenced. If the working man chose to have his beer he (Mr. Noel) would be the last to say that he should not, but he must complain of the tyranny to which they were subjected by being told that in his own neighbourhood he was to have no voice in deciding whether the second public-house should be set up or not. What happened in the village was this—As they were not a beer-drinking community, means must be provided for making them drink beer; and the proprietor of the new public-house instituted all sorts of things to attract the people on holidays and on Saturdays, and during those hours on Sundays that the house remained open. The result was that the good old village publican was induced by the necessity of his trade—he would not be hard upon

honest legislation of the late Government—passed, as he frankly confessed, in a right direction—while it sought to remove those provisions which were unnecessarily harassing. At the same time, it was not satisfactory, because it did not really remedy to any appreciable extent the evils of the present system. It was very common in that House to speak disparagingly of the publicans, and to talk of them as looking after their own interest. This was not fair. He knew a small village—which he would not name—which had at least the average number of public-houses, and the clergy of all denominations agreed to urge upon the publicans to take out six-day licences instead of seven-day licences. The result was that all the publicans agreed to do so except three, who stood out. The consequence was that the rest of the body said it was impossible for them to take out six-day licences if the three did not, because otherwise the custom they then had would go to the men who kept open on the Sunday. This fact showed, however, what the publicans were willing to do if it were possible; for it was not right to expect, considering what human nature was, that they would suffer in their trade solely in the interests of the partial sobriety of the place they lived in. What appeared to him to be the great faults of the measures that had been proposed with regard to intoxication were these. First, they all required compulsion for the attainment of their end. Now drinking, unlike bribery or swearing, or many other things, was not in itself wrong; it was the abuse of the practice that made it an evil—and they had no right to prevent a person doing that which was harmless. If they got the consent of the people to any measure restricting the free exercise of their just and legitimate rights, they would sooner or later, he believed, perceive worse consequences than those they wished to remove. The other great fault was that too much was expected from the passing of any measure. It was perfectly futile to expect that they could reform the pronounced drunkard, or that they could restrain all of those who had already begun their downward course from completing their dreadful progress. What they must seek to do was to take away the temptation from the rising generation. He quite agreed with this proposition; but he asked how were they to do this? It

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was not to be done except by great sacrifice on the part of the public, and this sacrifice would only be made if the public had really the interests of society at heart. It was easy to pass a prohibitive Bill, to prevent their neighbours from obtaining liquors which they had a perfect right to get if they chose to do so:—it was easy to pass a Bill to close public-houses on Sunday, and say “the poor man shall not have a glass of beer on a Sunday;”—but what they ought to attempt to do was to find a system which should no longer allow it to be to the interest of the publican to sell the liquor he had in his possession. He believed this to be the key of the whole question. He was not about to shadow forth a Bill on the subject. He knew who it was who were said to “rush in where angels fear to tread,” and he was not so foolish as to believe that a question which had not been solved by some of the wisest heads in the country would be settled by any proposal he could make; but his belief was that if this question was to be solved at all it was to be by a provision taking from the publican the interest he had in selling the liquor he possessed. This was the principle adopted in a foreign country with much success. How far it would succeed here he knew not, but it could only be adopted at a great increase of existing burdens. He would conclude by assuring the House that he did not oppose the Bill because he was not alive to the evil it proposed to redress, but because he did not believe that the principle on which it was founded was the right one on which to proceed.

MR. ERNEST NOEL, in supporting the Motion for the second reading, said, they had been told by the noble Lord who had just sat down (Earl Percy) that they had taught the people of this country to believe that almost everything could be done by legislation, and that in that they had made a mistake, and so far he agreed with the noble Lord. And the noble Lord went on to say—and in that also he agreed with him—that as they had taught the people that they could do in this House very much for their benefit, when they came face to face with a great evil like that they were now discussing, they were bound to prove either that they were powerless to act in the way of its removal, or that they had done all they could. He, for one,

thought that they could not do all that was wanted by legislation. There was a great deal that must always be left undone by legislation in this matter. He entirely agreed with the hon. Member for the City of Exeter (Mr. A. Mills), when he said that there were other steps to be taken before they could make this country sober; but at the same time he thought there was something which could be done by the Legislature; and it was because he was convinced that that they had not acted wisely on the question of drunkenness that he was prepared to give his vote for the Bill of the hon. Member for Carlisle; though, with other hon. Members, he thought that the measure as it now stood, if not entirely impracticable, was one which would effect but in a small degree the object which the hon. Baronet had at heart. But it was the only measure before the House at the present time which went in the direction in which they wished to go. He did not agree with hon. Gentlemen who said the principle of the Bill was temperance; in his opinion the principle was local self-government. It was that a neighbourhood had a right to say whether they thought a particular trade was a nuisance or otherwise; and if they thought it was so, power was given them by law to remove it. The hon. and learned Member for Leeds (Mr. Wheelhouse) had told them that he was opposed to drunkenness; but that he was not to be coerced, that he was not to be enslaved, that he was not to have his freedom interfered with by the advocates of this measure. Well, there was not a single word in the Bill to interfere with that opinion. What the Bill said was, that if a majority of the inhabitants of a neighbourhood found that the presence of public-houses in that neighbourhood was to them ruinous, or injurious, or offensive, they should have the right to say those houses should be diminished, or done away with. He thought the Bill failed in giving to the neighbourhood the power to say only that they would have no public-houses at all. It would work in very few districts, perhaps, but it would be of great advantage there: in most districts it would be a dead letter. The Bill, however, would establish the principle that a majority of those who had to pay the taxes—and those were the people whom they had made the power in this country, for it was they

who elected the Members of the House of Commons—should say whether something should be done or should not be done, to get rid of what to them was a terrible evil. The noble Lord (Earl Percy) had spoken of a “tyranny;” but there appeared to him (Mr. Noel) a greater tyranny under the existing system of licensing than any spoken of by the noble Lord. The noble Lord mentioned a village in which it was proposed to the publicans to take out only a “six days licence,” and close their houses on the seventh, and the noble Lord said they all agreed, with the exception of “three,” who refused, and the obstinate selfishness of those three compelled the others to keep open. He should like to describe to the House a case which had come under his own knowledge, so that it might know under what tyranny some of the inhabitants of districts existed. The publican who lived in the village he was acquainted with—and there was only one at the time he was speaking of—was an honest, upright man, and the people were thoroughly content with the way in which the place was going on—might be looked upon as a little Arcadia. There was no drunkenness there, or very little. Well, a brewer of the neighbourhood looked down on them and thought they were far too happy, and he built a house fit in every way to have a licence. There was a population of 1,200 in the village, and as no magistrate would say that a second public-house in such a neighbourhood was out of place, the brewer got his licence, and the miseries of the villagers commenced. If the working man chose to have his beer he (Mr. Noel) would be the last to say that he should not, but he must complain of the tyranny to which they were subjected by being told that in his own neighbourhood he was to have no voice in deciding whether the second public-house should be set up or not. What happened in the village was this—As they were not a beer-drinking community, means must be provided for making them drink beer; and the proprietor of the new public-house instituted all sorts of things to attract the people on holidays and on Saturdays, and during those hours on Sundays that the house remained open. The result was that the good old village publican was induced by the necessity of his trade—he would not be hard upon

him—to take some steps to meet his rival; and what was the result? Why, that they had dancing-rooms opened, and many other evils were introduced into their quiet village. Drunkenness then increased until it became common with them. He looked upon it as a great tyranny for him to be called upon to pay towards the support of all the pauper families created by the public-houses. Let them do away with the Poor Law, and say that drunkards' families should not be supported by ratepayers, and he would admit that at least that part of the tyranny of which he now complained would be done away with. Talk about the shutting up of public-houses being an interference with personal liberty! The Bill would merely tend to reduce the number of places where an article accursed in its consequences was consumed, to the great injury of the consumer and the community. He could not understand how it was that the hon. and learned Member for Leeds said he had visited the large towns of the North during the Whitsuntide holidays, and though he had looked for drunkards had found none. He had heard of people seeing only what they desired to see; and the hon. and learned Gentleman must have had eyes of this nature, or looked at things through very peculiar spectacles, which enabled him to see what he liked and not see what he did not like. The hon. and learned Member told them that they should go into the houses of the labouring classes and make themselves friendly with them if they wished to know their real habits and produce any needful improvement. Now, he (Mr. Noel) had for years been in the habit of going into the houses of the labouring classes, and, more than that, he had visited frequently the poorest houses in the lowest districts of this vast metropolis, and in them he saw the strongest proofs for the necessity of restraining the sale of intoxicating liquors. What was to be done in such a pressing and important matter? Something was necessary; and when an hon. Member of the House, like the Member for Carlisle, came forward with a Bill for the purpose, he believed it was his duty, even if the Bill did not proceed exactly in the lines he desired such a measure to take, to support it. He did think, however, that the Bill as it now stood was in one respect imperfect and

unjust—there was no compensation clause in it; and that omission, if the Bill was carried, would be an injustice to those whose houses might be shut up by its operation. He could not vote for the Bill, therefore, without the proviso that, if it passed, either the hon. Baronet or some one else would propose in Committee a clause which would enable ample compensation to be paid to those who might have their houses closed. That, however, was a detail which need not be dealt with on that occasion. He hoped that if a private Member was not strong enough to deal with the question, either the present or some future Government would take the matter up, and do something for the removal or mitigation of the enormous evils under which the country now laboured from this cause. The loss of life alone from overconsumption of intoxicating liquors was greater in the course of a year than ever happened in great battles, or even great wars. Every year 70,000 people were killed by drink—a greater number than those killed in any single campaign in the Russian or other wars—and the numbers killed formed only an infinitesimal portion of those otherwise injured from this cause. With the reservation he had named, he felt bound to give his support to the Bill.

MR. JACOB BRIGHT: The hon. Member who has last addressed the House (Mr. Noel) tells us that he shall vote for the Bill although he does not wholly agree with it. Since I have had a seat in this House I have always voted for this Bill, and it is my intention to do so to-day. I must confess, at the same time, that I would rather have a more complete Bill; I prefer, in fact, the Bill of the hon. Member for Newcastle (Mr. Cowen), but I shall vote for any Bill which is offered us, which is likely to give the public some control over the sellers of intoxicating drinks. It is not my intention to dwell upon the evil which we wish to remove. That evil is admitted. Nobody, unless it were the hon. and learned Member for Leeds, would deny its great magnitude. When I consider the character of that evil, fairly described, I think, by the hon. Member who last addressed us, it often appears to me that Parliament is extremely apathetic with regard to it. We have from time to time legislated upon it, but in the feeblest fashion; and I am

Mr. Ernest Noel

entitled to say, that if we consider the results that have followed that legislation, we shall find that they are almost nothing. With regard to the present Government, it appears to me that it has rather gone back upon this question. One of the most advantageous provisions of the last Government has been repealed by the present Government. The Act of the last Government shut up the public-houses in the morning until the working people had gone to their occupations. Well, although the magistrates, ministers of religion, employers of labour, and, in fact, everybody defended that particular provision, the present Government, as I think, unfortunately abolished it. Now, how is it that there is so much lethargy upon this subject? It appears to spring very much from the social conditions in which we live. Members of both Houses of Parliament, for the most part, live in good houses, and frequent the best portions of our various towns. Those of them—and there are many—who have houses in the country have influence enough always to protect their own estates or their own houses from these plague spots which do so much harm to the people; and we are so seldom brought practically into contact with this evil that we take very little pains to remove it. How do those who are of the people, and who are obliged to live very much among the people, and who, therefore, are suffering from the evil which we are now discussing, look upon it? As an indication of the course which working people generally would take, let me point out what has taken place with regard to their co-operative trading associations. These associations are numerous; a great amount of capital is embarked in them, and some of them are powerful. They are anxious to sell everything on which a profit can be made; but I believe that, without exception, the co-operative associations throughout the country refuse to sell intoxicating liquors in any shape or form. That is a proof, surely, of the tendency of those who are among the great mass of the people. The hon. and learned Member for Leeds spoke of our clubs, and he said he should be disposed to consider seriously this question if he found that the great clubs of the country were willing to put themselves in harmony with such a Bill as that before the

House. I may call the attention of the House at least to one very remarkable club that is in such a position. There is no more remarkable club in England than the Manchester Athenæum. A year ago the Lord Chief Justice of England took the chair at one of its annual meetings; the Prime Minister and other distinguished men have visited it, and addressed it on various occasions. That club has about 3,000 members; it has an admirable library with a circulation of 68,000 volumes per annum, it has a restaurant where it dines 500 persons every day, it has its billiard-rooms, gymnastics, in fact, everything that a club can require; but, by common consent, not a drop of anything that can intoxicate ever enters that club. The men who belong to it are, for the most part, young men connected with the business houses of Manchester—the men who are, in fact, to be our future merchants. Now, a word or two about the objections that have been raised to this Bill. The objection that it does not provide for compensation is always produced. It appears to me that that is a detail, but I admit that for the sellers of drink who might be displaced it is a very important detail. There are two things to be said with regard to it—one is that the publican interest is far too powerful ever to allow us to dislodge it without compensating it; and the other is that the public would make such infinite gains by the reduction of this traffic that they would be most willing to make such a bargain with the publicans. Then we are told that the law would be evaded. Of course it would; every law is evaded. But where you had two-thirds of the ratepayers sufficiently in earnest to extinguish this traffic, as provided by the Bill, the opinion of that district would be all-powerful in protecting the law, and I would undertake to say that the evasions would be of very small importance. Well, then we have visions of exciting periods of taking the poll. We are told that a great evil would arise, that drink would circulate, and that everything that could demoralize the people would take place. I should like to know what the mother of a poor family whose children are impoverished by drink would say on this question, the woman who is compelled every day of her life to look at that trap to which her husband is enticed to go and spend per-

haps one-fourth of the family earnings, the woman who hears every Saturday night, and sometimes oftener, the chorus of half-drunken voices, one of them perhaps that of her husband. I should like to ask her whether the evil of taking the poll would weigh at all in her estimation in comparison with that constant strain upon her life. Why, such persons would laugh to scorn idle objections of this character. Another thing we are told is that the Bill would only be partially applied. That is very true. It would not settle this question. We should have Bills introduced in this House afterwards just as we have now, and we should have to legislate with regard to those populations that would not accept the provisions of this Bill. But we are told that it is altogether wrong to interfere, as this Bill would interfere, with individual liberty. The hon. and learned Member for Leeds said we ought next to bring in a Bill to tell people what they should eat or what clothing they should wear. Well, if the time should ever come when it can be said of an article of food or dress that it produces the mischief which drink produces, I do not doubt that somebody would appear in this House in the character of my hon. Friend the Member for Carlisle, and ask us to pass some Act of Parliament to remove the evil. I do not quite know why the House of Commons should be so very particular with regard to the question of individual liberty, if a great necessity should arise to require interference. What precedents do we set? Look for example at the Compulsory Vaccination Act. That Act of Parliament requires that mothers should bring their children at the tender age of 12 weeks, at a particular hour of the day that the parish doctor may require, in order to insert some foreign matter into the blood of those children. Yet we know that some children are killed, that many are injured, and it does seem to me that to force a man into prison because, having one child injured, he refuses to have his next vaccinated, is a more high-handed interference with individual liberty than anything that can be found within the four corners of this Bill. Let me ask the House seriously to consider what advantages would arise, and what would be the state of things if this Bill were to pass. I think I may assert that a portion of the people would put them-

selves under its provisions, and would, in fact, adopt the new *régime*. I should feel almost sure that 10 per cent of the people of the United Kingdom would readily adopt the proposals of this Bill, or, in other words, some 3,000,000 of persons would accept it. Then what would be the result? The hon. and learned Member for Leeds would say, of course, that you would immediately in those districts "rob the poor man of his beer," but that is not true. We should not rob the poor man of his beer, and nobody believes that we should; the only thing we should do would be to place some difficulty in the way of the poor man getting his beer. If he had a belief that beer was necessary to his health and happiness, if he had one-tenth part of the faith in this beverage that the hon. and learned Member for Leeds has, he would by domestic brewing, or by co-operative brewing, if you like, produce his own beer, and he would have it of a better quality than he does now. The Bill would not rob the poor man of his beer, and it seems to me a pity that that statement should be for ever reiterated in this House. I say, what would be the result over that 10 per cent which I suppose would accept this Bill? This would be the result—and I believe no man will deny it—that instead of a large amount of money being injuriously spent in intoxicating liquors, a small amount would be spent, perhaps beneficially. I am not here to oppose the drinking of anything that a man likes to drink, and it may be that the little that would then be spent would be judiciously spent; but at any rate only a little would be spent. Well, then, what would be the condition of the people? They would have a great deal of money in their pockets; and what would become of it? Why, every shop that sells food, every shop that sells clothing, every shop that sells furniture would immediately feel the difference, and would be subject to a larger demand. The people would have such comfortable homes that they might hereafter lead a civilized life; the farmer who brings his produce to the market would have a higher price for it, the railways passing through these districts would have more traffic, and the churches and schools would be better filled. I say again that no Member of this House can deny that these would be the results which would follow from the acceptance

Mr. Jacob Bright

of the provisions of the Bill. Your sanitary conditions would rise, and rates would fall. I believe the rates would fall so as to benefit the rural districts of England more than they are ever likely to be benefited by gifts from the Imperial Treasury, and your prisons, poor-houses, and asylums would be too big. We have been told by a speaker on my right that something like £150,000,000 are spent annually upon these drinks. Suppose you saved 10 per cent of that amount, it would be £15,000,000 sterling. Why, although it is only 10 per cent of what we spend in drink, it is a sum greater than all the home trade in cotton goods in this country. I think I may remind the House, coming from a manufacturing district and from a commercial city, that this question is assuming a commercial aspect. In the newspapers of Lancashire there is at this moment an interesting and important discussion going on upon the question of the effect upon trade of this vast consumption of alcoholic drinks. On the Manchester Exchange—the largest Exchange in the world—people are beginning to ask themselves whether there can be any good done to commerce by limiting this vast expenditure, and I have been told by men who have a right to speak upon the question that if this Bill were submitted to the frequenters of that great Exchange a majority of them would be in favour of its passing. The hon. Member who last spoke seemed to doubt whether this Bill would ever pass. I do not know whether it will ever pass—but this I do know, that the men who never know when they are beaten very often win in the end;—and my hon. Friend the Member for Carlisle, and thousands of earnest men behind him, do not know when they are beaten, and mean to continue this agitation for many years to come. Thirty-five years ago it was held to be impossible to repeal the Corn Laws. Men who came up from Lancashire were told by Peers of Parliament that they were madmen for expecting that they could ever repeal that law; and yet in six years, mainly owing to the fact that business men found it was necessary for the prosperity of the country, came the repeal of that law. Supposing that ministers of religion, social reformers, and business men put their heads together and come to the conclusion that each one has an enormous

gain to make by restricting if not extinguishing this traffic, if that opinion should prevail in these quarters you may some day—perhaps, in a few years—have such a power of opinion in this country in favour of this or some similar Bill that the stubbornness of Parliament will be conquered, and we shall deal seriously with this question.

MR. MUNTZ said, he had listened very attentively to the speech of the hon. Member for Manchester (Mr. Jacob Bright), and the arguments brought forward by the other supporters of the Bill in the course of the debate. He had, however, heard them over and over again in the discussion of this question, and he would simply ask what was the net result? There was no doubt that there was drunkenness, and a great deal of it—they all knew that; they all admitted it, and they were all ready to adopt any fair and practicable plan to put down that drunkenness; or if that could not be done entirely, to diminish it as far as possible. It was of no use talking about the sad cases of drunkenness, and the curse they were to husbands and wives, and all sorts of distress arising therefrom. That was not the question with which the House had to deal. The question really was—would this Bill, if carried, put an end to all these evils? He was strongly of opinion that it would not, and there were some facts which he thought were better than a thousand assertions. For instance, it was proved by official documents that in both Canada and the United States that, after several years' perseverance, the results were conclusive as to the utter failure of prohibitory legislation to put down drunkenness. In Canada, after many years' experience, the Permissive Bill had become a dead letter. In the State of Massachusetts a law was passed, in 1852 or 1853, prohibiting the sale of intoxicating drinks; according, however, to the report of the principal officer appointed to see that law carried out, he found a vast number of unlicensed houses established for the sale of intoxicating drinks, and the consequences were so demoralizing to the people, that he advised the abolition of that law, and the passing in its stead of a good licensing enactment as the best means of promoting temperance. In Boston, the capital of the State, after

seven years' experience of a prohibitory law, it was found in 1869 there were no fewer than 3,000 places where liquor was sold in open violation of the law. The matter was brought before the Legislature of Massachusetts; and after the matter had been carefully considered for two years, on the 1st of May last year the prohibitory law was repealed, and a licensing system similar to that in this country was again adopted; and the result was that already, by the 1st January of the present year, under the sanction of the new law, 700 of the houses which had previously been engaged in an illicit trade in Boston had been shut up—and the process was still going on—while drunkenness had been diminished more than 20 per cent. Again, the report of the British Consul at Portland with respect to the position of the liquor trade in the State of Maine, with a population chiefly agricultural of about 670,000 mentioned that in 1875 the number of persons convicted of drunkenness there amounted to 1,810, whereas in the town he had the honour to represent, with a population of nearly 500,000, the total number convicted during the same time was but 2,000. It was, therefore, clear that although the sale of intoxicating liquor might be prohibited by law, people managed to get it in some way or other, and that where there was a demand there would be a supply. The Maine Liquor Law was unfortunately still unrepealed, but the practice of illicit trading was so great that in this last year the fines for drunkenness in the county of Cumberland alone amounted to \$48,000. The system of prohibition had produced the most demoralizing results. There was another point that should not be omitted in dealing with the Bill—namely, the constant turmoil and expense of the elections to determine whether houses should be closed in any town or district or not. They had already, in the election of school boards and town councils, had sufficient experience of the waste of time, money, and temper to which these manifold elections gave rise. The annual voting under this Bill would become an intolerable nuisance, and he thought this fact should weigh not only with the House but the hon. Member for Carlisle. Small minorities might become not only troublesome, but expensive; and he could mention a case

in which in a single school-board election the expenses on both sides amounted to no less than £11,000. If any useful result could be produced the matter would be different, but it was evident from the facts he had referred to that, do what they might to prohibit the sale of drink, the people would still obtain it, and the trade would become still more demoralizing than before. They had heard a great deal of the excellent effect produced in Scotland by the passing of what was called Forbes-Mackenzie's Act. It had been stated that under the operation of that Act the consumption of spirits had decreased. Statistics showed that, on the contrary, it had greatly increased. He held in his hands the Returns of the quantities of spirits, home and foreign, consumed in England, Ireland, and Scotland, in the years 1871 to 1875. He did not go back to 1870, because since then changes had been made. He found from these Returns that the quantity of foreign spirits in 1873 charged with duty for consumption in England was 8,692,901, and in 1875, 9,993,601; in Ireland, in 1873, 587,758 gallons; in 1875, 610,226 gallons; while in Scotland the quantity was, in 1873, 978,769, and in 1875, 1,309,537 gallons. It would thus be seen that in the only one of the Three Kingdoms in which such a system as that now proposed had been tried the result had been a very large increase in the consumption of spirits. Taking the increase of population and other things into account, he thought the present system was working very fairly, and he saw no reason for breaking it by such an extreme change as that proposed by this measure, which would be a fruitful source of public excitement, irritation, contention, and expense, and would certainly, judging by the facts he had referred to, not diminish, but rather increase drunkenness and demoralization. For these reasons, he hoped the House would refuse its sanction to a measure by which it was sought to put down by legislation an evil for which education and the general improvement of society were, in his opinion, the best, if not the only remedies.

MR. E. JENKINS said, there were many persons in the same position with himself in regard to this question—namely, that while they admitted the enormous evils that drunkenness occa-

sioned, they were not prepared to go so far as the hon. Member for Carlisle, and trusted that some way would be discovered of introducing a practical reform. Not feeling himself capable of pointing out this way, he was driven to support his hon. Friend, who was setting himself the task of redeeming this country from a tremendous evil, for he felt it would be a wrong done to society if one were to endeavour to interpose any obstacle to the progress of a measure which was aimed at evils so dire as those that they all acknowledged. The Bill of the hon. Member for Carlisle did not in many respects meet his views in the way it was proposed to deal with the enormous evils of drunkenness; still, it was a step in the right direction, and he should feel bound to vote for the second reading. With respect to the crime, demoralization, and numerous evils caused by the prevalence of drunkenness there could be no doubt. Every day's current news gave accounts of quarrels, personal injuries, suicides, and murders arising from the immoderate indulgence in strong drink. He entirely denied the assertion that drunkenness was on the decline as proved by the absence of crime during the Whitsun holidays, for he had selected from the London and provincial newspapers several cases of crime which had occurred within that period, the details of which would lead one to imagine they had been committed in the realms of the King of Dahomey, and not in a country which had enjoyed the advantages of Christianity for sixteen or seventeen centuries. This state of things justified the hon. Member for Carlisle in bringing forward this measure, which called on those who suffered from the result of the public-houses to say whether they would allow a trade to be carried on in the midst of them which created so great a nuisance. Hon. Members who professed as earnest a desire to see the evils coped with as the advocates of the present measure, objected to it on the ground that it was an unjust and unrighteous interference with the public liberty. He did not say that he went the entire length of his hon. Friend in asking that the Bill should be passed in its present shape—it was possible that it might be too strong a measure to entrust the inhabitants of any neighbourhood with the power of prohibiting entirely the sale of intoxicating

drink within that district. And here he desired to correct a misconception which existed with respect to the scope of this measure—it was not the consumption, but the sale of intoxicating drinks which was prohibited. It had already been pointed out by the hon. Member for Manchester (Mr. Jacob Bright) that the consumption was not interfered with, and it would be quite possible for those who thought it necessary to procure drink as an article of diet to supply themselves with it. But apart from that consideration, he wished to point out to hon. Members that the main principle of the Bill was local control over this trade. If Parliament, which was representative of the electors of the whole nation, had undertaken to control this traffic, surely it was only going a little step further in the direction of local Government if they asked the ratepayers in their various districts to do for themselves what Parliament did for the entire Kingdom. He appealed to those who found themselves unable to go the full extent of the prohibitory clauses of his hon. Friend's Bill to at least register their votes in favour of the principle of popular and local control. This being the ground upon which he supported this measure, and driven to it as he was by the dreadful calamities which were daily occurring, and which were harrowing one's soul and disgracing alike their Christianity and civilization, he meant to vote for the second reading.

Mr. STORER said, he thought the arguments advanced by the hon. Member for Birmingham (Mr. Muntz) were unanswerable; and he might further remark that the catalogue of crimes referred to by the hon. Gentleman who had just sat down had no bearing whatever on the issue before the House. It was no argument, either in favour of it or against it, to say that some persons of that class which the right hon. Gentleman the Member for Birmingham (Mr. John Bright) called the "residuum" got drunk upon a holiday, and made a violent use of the knife. It was, he considered, rather an extraordinary fact that every argument which had been used in the course of the debate in favour of free trade had proceeded from the Conservative Benches; while all the arguments which favoured the destruction of individual liberty were brought forward by those who were supposed to

be included in the great Liberal Party. Those who were continually impressing them with the excellence, the power, the learning, education, and intelligence of the people were the very persons who sought by means of this measure to restrain the people from the exercise of that intelligence on which they seemed to set so much value—they would not even entrust these intelligent persons with the liberty to choose whether they would drink or not. For his own part he would leave them to their own free choice. He thought the very proposal of so arbitrary a measure as this for a free country was very extraordinary, especially as they well knew that wherever measures of this kind had been tried they had proved to be perfect and decided failures. The hon. Member had also remarked that if the public-houses were abolished the people in the manufacturing districts might brew their beer at home. He might remark that if the malt tax were repealed, the rural population would brew their beer at home; and in his belief the key of the question of drunkenness was to be found in the question of domestic brewing. If the labourers could get good home-brewed ale, they would discontinue to frequent public-houses. The public-houses supplied an article which the public had come to consider a necessity of life. If they would have furnaces and factories and mills and other occupations requiring great bodily exertion on the part of those employed in them, they must allow those men to drink to the extent they thought necessary to sustain their physical energy. They might very well regulate the hours at which intoxicating liquors might be sold, but they could not shut up the public-houses entirely without creating a greater nuisance than the one they were anxious to suppress. He lived in a part of the town where he could see of how great a use the public-houses were to the working classes—more especially to the carters coming in to the early markets, and who were from the very nature of their employment obliged to take refreshment. The hon. Member for Manchester (Mr. Jacob Bright) had referred to the repeal of the Corn Laws, and augured from that that this Bill would ultimately become law; but if it did, it would be attended with as many disappointments as had been the passing of the Act in question.

Mr. Storer

SIR WILFRID LAWSON: Sir, I do not agree with the hon. Member who has just sat down (Mr. Storer) in thinking that the hon. Member for Birmingham (Mr. Muntz) who spoke just before him made an unanswerable speech; his arguments might be very good, but his facts were a little wanting. The hon. Member began by referring to the legislation upon this subject which has taken place in Canada, and he said that a scheme which had been tried there, and which was of a permissive character, had totally failed. But if he goes to Canada at this moment he will find that there is upon the Statute Book an Act with regard to the sale of intoxicating drinks far stronger than the Bill I am now proposing to the House—a Bill which gives the power of vetoing the issue of these licences to a bare majority; and that Act has been carried into operation in many parts of Canada, and has given satisfaction wherever it has been carried out. So much then for Canada. The hon. Member for Birmingham next travelled to Massachusetts, and he produced the Act which was passed in 1875 as the latest production of the Legislature of that country regarding licences. I was glad to hear him say, when he handed it to me, that he considered the law in Massachusetts a great deal better than we had it in this country. So do I. I am not going to read the clauses of that Act, but I may say that they are very stringent, and the hon. and learned Member for Leeds (Mr. Wheelhouse) would quail if he thought there was any chance of its being inflicted upon his friends and clients in this country. Well, the hon. Member for Birmingham said the law of Massachusetts was better than our law—and I again repeat so it is; but then it is a permissive law, for it enacts that licences shall only be granted by those who are elected for the purpose by the people. Then the Act also says, “but nothing in this Act shall be so construed as to compel said mayor and aldermen or select-men to grant licences.” It is therefore the Permissive Bill in another sense; and if there is any consistency in the hon. Member for Birmingham, and if he believes that the law in Massachusetts is better than the law we at present live under, he is bound to vote for my Bill. I have been led into this transatlantic disquisition by the remarks of the hon. Member for

Birmingham; but how does this question stand at home? We shall all agree that it is becoming very fast, if it has not already become, the irrepressible question of British social politics. I was very glad to see this morning what the Home Secretary said to a deputation which waited upon him in reference to this matter yesterday. He gave them a reception which, I am sure, from what I have heard, gave the greatest pleasure, owing to the courtesy and consideration with which the right hon. Gentleman met them. The right hon. Gentleman said the advocacy of this subject was not confined to teetotalers; he saw that it was a question which interested good citizens who wished to promote the happiness and well-being of the country. I have already said that this is an irrepressible question. The late Government tried to deal with the matter with the view of putting it upon a satisfactory footing; and the present Government, when they came into office, tried to deal with it, and endeavoured to make the licensing laws satisfactory; but I regret that they should have rather reversed the legislation of their Predecessors. Therefore, that being the state of the case, I am happy in one thing—namely, that there is an end of the old objection that we cannot make people sober by Act of Parliament. Both political Parties, as I have shown, have admitted that legislation can do much to make, or, if I may use the expression, to unmake the sobriety of the people. I contend that we must deal with this matter by law. The hon. and learned Member for Leeds (Mr. Wheelhouse) said that we have a perfect right to enforce the law against those people who get drunk, but that we have no right to interfere with the means of getting drunk any more than we have a right to say what sort of clothes a man shall wear, or what language he shall use. But the law does deal with those subjects. If the hon. and learned Member came down to the House dressed in a manner which does not accord with propriety, he would soon find what the law would do with him; and if he used language either in the House or out of it—which I am sure he would not do—but which is called strong and bad and disgraceful language—he would find himself in the arms of the police. Well, then, we have got rid of the argument that the law can do nothing in this

matter. We are here especially to make laws for the benefit of the people, and the question which presents itself is this—Is the present law the best which we evolve out of our deliberations to diminish and check drunkenness? I think I shall carry the House with me pretty well in saying that it is not the best; because if we look at the Notice Paper of this House we shall find that no fewer than nine Bills have been introduced this Session with the object of dealing with this matter, backed by no fewer than 37 Members, and all of them going in different directions with the same purpose in view. Some of these Bills abolish the magistrates as the licensing authority; some want to do away with the appeal Courts; some want to destroy beer-shops; and my hon. Friend the Member for Scarborough (Sir Harcourt Johnstone) is making a tremendous attack upon the grocers. He is possessed with a strong antipathy to them, and so far as I can make out of his views and the intentions of his friends, they have come to the conclusion that the 3,000 licensed grocers do as much harm as the 70,000 publicans. There are also other Bills dealing with this trade upon a Sunday having reference both to England and Ireland, and all these Bills are intended to diminish the evil and to check and diminish the sale of drink, and thus by that means to curtail the profits of the publican. We cannot by legislation do anything else except in this direction, and, therefore, to the best of my humble ability, I have supported all those Bills. But it is much better they should be brought on by hon. Members than by myself. People say, Why don't you do this, that, or the other to bring about an alteration in the licensing system? I reply that I do not believe in licences at all—and I would say let those who believe in them try to improve the system. They can do the business better than I can. My creed is a clear one—very likely I am quite wrong, but there is no mistake about it—I believe that every trade which is for the benefit of the people ought to be perfectly free, but a trade which is not for the good of the people ought not to be licensed and fostered, but should be prohibited. I believe this trade we are talking about to-night is not a good trade; and I will not give my own opinion upon the point, but that

of my right hon. Friend the Member for Birmingham (Mr. Bright), who, I am glad to see in his place, and who I hope will give me the benefit of his opinion upon this measure by-and-by. He has described the evil of the liquor traffic as this—that people are allowed to deal in articles which produce crime, disorder, and madness; and that is a description which warrants me in saying that the trade is a bad one. I agree with much that has been said in this debate to the effect that we cannot go beyond public opinion in attacking a trade like this. If the trade is carried on in a place and in a community which believes it to be a good trade and for their benefit, then I admit you will have great difficulty in keeping it down; and for that reason I have constructed and drafted this Bill, which can only apply to cases where there is a strong public opinion which will lead to its being enforced by the wish of the people. Then this Bill is not antagonistic to any one of the Bills which I have already mentioned, or to any scheme of licensing reform which anybody may think it right to bring before this House. It is not antagonistic to these schemes, but is intended to supplement them. If any one of these schemes should be adopted, and be found to work well, then no one will desire to do away with it; but if they all fail I am sure the hon. Members who introduced them will not say they wish the trade to be carried on under a system which is unsatisfactory to the community. But after all, are hon. Members aware that we are living in this country already under a Maine Law, but unfortunately with an exception? By the general law of the country, no one is allowed to sell a drop of these drinks to his neighbour, because they are dangerous to the public welfare; but exceptions have crept in, and now the magistrates are allowed to grant the privilege to certain persons to make money by carrying on this trade if they are so minded. The magistrates are not an elected but a selected body—selected for their social or hereditary position, for their pecuniary condition or their political professions. I do not find fault with them; I am a magistrate myself, and I would not like to cast blame upon a body with whom I act. I heard the other day a strong defence of the magistracy by my hon. and gallant Friend the

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Member for Sussex (Sir Walter Barttelot), who told us that we need not be afraid of the magistrates, for it was not likely they would do anything very wrong so long as the hon. Member for Leicester (Mr. P. A. Taylor) was alive. Under these conditions, it appears they cannot get into any very great scrape—so that their jurisdiction may be described as a benevolent despotism tempered by Taylor. But let them be as good or as bad as they may, I do hold the opinion that we put into their hands a power which they cannot safely be entrusted with; in fact, no body of men can safely be entrusted with it. After all, they are only human; and what a great temptation is placed in their hands, when by a stroke of the pen they may add hundreds or thousands of pounds to the value of a house when a man applies for a licence. What a door is open here for jobbery—a door so wide, that many may be tempted to enter. And who will say that there is not a large amount of jobbery carried on in connection with this licensing business? It will not be denied, on the other hand, that the magistrates have very fairly, in other cases, done their duty. They have tried to find out what is good for the community, and have acted honestly upon their opinions. I have nothing to do with their motives; but what I say is, let us look at the results, and if our experience shows that where they have not exercised the power Parliament has conferred upon them good has followed, and where they have exercised the power and set up a trade upon their own authority, and there great and serious evils to the public have resulted, then I say that this is a system which requires amending. Well, then, I come with my Bill as a measure intended to meet the difficulty and the evil, and I say let the magistrates be restrained from exercising those powers which Parliament has entrusted to them in those places where the people declare that they would rather those powers were not exercised at all. I have heard it laid down in this House by high legal authority that the magistrates have only three questions to decide upon in granting these licences: first, is the applicant a man of good character; secondly, is the house a good and suitable one for the purpose? thirdly, do the people require the house. I would say let the magistrates by all means deal with the first two points; let them judge

of the character of the applicant and the nature and suitability of the house; but when it comes to the requirements of the public, let the public judge for themselves. The hon. Member for Exeter (Mr. A. Mills), who has made the strongest speech yet against my Bill, said, at the conclusion of his remarks, that he had no objection to the number of houses being reduced according to the requirements of the neighbourhood; so that even he, like the hon. Member for Birmingham, is in favour of my Bill without knowing it. But if people say they require no number at all, why should not their wishes be met?—for they have as much right to declare that they require none at all as others have to say they want two or five houses, or whatever the number may be. On the present occasion, however, I only want to discuss the principle of the Bill; and the principle of it is simply that these licences should only be granted for the good of the public. I have copied the details of the Bill and the machinery of it from many other Permissive Acts which are already in existence. As to the notice and to the number who shall give the notice, the system of taking votes and the majority required to decide the matter, they are all matters of detail. I say that two-thirds of the inhabitants or ratepayers shall give a vote which shall be decisive. The hon. Member opposite, who sits for East Aberdeenshire, has put a Notice upon the Paper by which we are to have a proposition of seven-ninths, but that is simply a matter of detail. The hon. Member has put the Amendment down for Committee, and I am sure I shall not quarrel with him. I will do anything with pleasure when we get into Committee, and all I wish is that the House would allow us to reach that stage by assenting to the second reading. Now, Sir, is this plan worth trying—a plan by which licences shall only be granted for the benefit of the public and not for the benefit of the publican? Of course, the answer to me is that if the Bill came into operation there would be much greater discomfort to the general community than there would be benefit to the population from the operation of the Act. Well, that is a fair matter of argument, and those who believe it would produce evil are bound to vote against the Bill. But some people have exaggerated views of the evil. The

hon. and learned Member for Leeds (Mr. Wheelhouse) a year ago made a speech at a licensed victualler's dinner—I always read his speeches—and he said he should die if this Bill were to pass and public-houses were shut up. No one would regret to bring about such a circumstance more than myself, because the hon. and learned Member is a very amiable opponent. The hon. and learned Member stated yesterday to the licensed victuallers—and not many days pass, as a rule, without his being amongst them somewhere—that his policy was all fair and square: therefore I cannot have a better opponent than he is, and I hope he will not suffer the evil consequences he has alluded to—because I understand there is an idea that he will be raised to some high rank in consequence of the efforts he made to get rid of the Irish Sunday Closing Bill of last year. But, as to the operation of this Bill, surely the evils are so great at present that we might incur a little inconvenience, I would go even further and say, even run a little risk, for the sake of granting a benefit which we believe would arise from this Bill. I need not attempt to weary the House to-day as to the evils of drunkenness. I remember in former days I ventured to say in this House that I believed drunkenness was the greatest cause of crime and pauperism in this country; and Lord Aberdare, with whom I have had a good many good-humoured controversies upon this matter, said I was wrong; that I ought to have said one of the greatest causes of crime and pauperism. But I have never heard yet what is the other cause which is greater—so I still maintain that drunkenness is the greatest. I was very glad to hear the straightforward and manly speech of the noble Lord opposite (Earl Percy) to-day. It is clear that I shall not get his vote, but he spoke in a kind and sympathizing manner. He said he was not going to enter into the question whether drunkenness was increasing, decreasing, or was stationary, and I think he was wise not to enter into statistics which may prove anything. As an instance, not long since an inquiry was made of a colonel of a regiment in Africa as to the health of the teetotalers in his regiment, and he sent back a report that 50 per cent of them had died and 50 per cent had been invalided. Well, that rather alarmed the Temperance party; but the

report was quite accurate, for there were only two teetotalers in the regiment, and one of them died from the bite of a serpent, and the other had been sent home with a broken leg. That, however, shows the unreliability of statistics. My hon. Friend the Member for Liverpool (Mr. Rathbone) there, is a great statistician—he has pored over statistics to such an extent that he is convinced the number of public-houses does not affect the drunkenness of the people, but I do not think he will be successful in convincing anyone else. Surely the broad facts which meet us every day are sufficient to convince the public what really is the state of affairs. We have had a period of high wages, and I should have imagined that it would have brought comfort and happiness to the working classes. In some cases this may have been the case; but those who know the country will say that generally the comfort and happiness of homes has not very much increased by these high wages, because the wages have been spent in the public-houses which have been got up to tempt men from their homes and families. Take the Inspectors' reports. They say in the North and East drunkenness is increasing, but that in the South and West it was decreasing, because there had been strikes and the wages were lower—showing that as long as you have public-houses, high wages were more often a curse than a blessing to the working man. Lord Aberdare at the Social Science Congress, at Brighton, last year, said that during a long strike in his part of the country, in Wales, notwithstanding the distress which prevailed, there was a remarkable absence of crime, because people could not get money to spend in public-houses. We have therefore three elements—men, money, and public-houses. Take away the money from the men and drunkenness ceases; but I say leave the money with the men and take away the public-houses. No one denies the existence of this drunkenness, except hon. Members when they get up to speak against the Permissive Bill. We have heard from hon. Gentlemen who understand mercantile matters what is the state of the country—we are told we are in view of bad and trying times. We hear rumours in the manufacturing districts that the mills will have to go on short time: but what I want to see is instead of the mills

going on short time that we should pass a measure which may possibly place public-houses on short time. There is a little pamphlet lately printed referring to the licensing system of Sweden. The writer says—

“What is essentially a Permissive Prohibitory Act has existed in Sweden for the last 20 years. So vigorously have the people outside of towns used their permission to limit and prohibit, that among 3,500,000 people there are only 450 places for the sale of spirits. That is, for a population such as we have in the county of Lancaster, which has 7,000 spirit licences and 8,000 beer and wine licences, they have only 450, besides a certain number of houses for the sale of weak beer. This it is which has so helped Sweden to emerge from moral and material prostration, and which explains the existence in that country of comfort and independence among all classes. In the country parishes, except where relay inns for changing horses exist, public-houses are now very seldom met with.”

The people of this country, I contend, have a perfect right to put themselves into a similar position of comfort and happiness. The Gothenburg plan has been proposed; and I have no objection at all to it if anyone wishes to try it. It is that public-houses should be taken from the hands of the publicans, who have an interest in the amount of business done, and transferred to the local authorities, who have no interest in the matter, and who if they make a profit will spend it for the good of the town. By this scheme people would be made to drink not for the good of the publican, but for the good of the public. It might be an improvement on the present plan; but even if it were adopted, why, I ask, should even the local authorities be allowed to force these places for supplying drink on the people if they do not want them? I can tell the House a rather curious thing which shows that even the plan I allude to would require to be supplemented by my measure. In Padiham it happened that a beer shop came into the possession of the local authority, and it was proposed to re-let it and to spend the money realized in that way for the benefit of the town. Well, the people heard of it, and they said—“You should not do that.” The local authority upon this said—“Well, you shall do as you like. We will take a vote on the subject, and according to the view of the majority the house shall be carried on, the profit realized going for the good of the town, or it shall be shut up.” A vote was taken, and it was

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decided by a large majority that the revenue accruing from the beer shop should be given up and that the house should be closed. Let us bring in the Gothenburg scheme if you approve of it; but when you have got it in let me have my little supplement, which would prevent the forcing of public-houses on the people against their own wish. I have often quoted the case of Bessbrook, in Ireland, where for years and years there have been no public-houses and no drinking shops, and I have the accumulated evidence of everyone who goes there to the effect that the state of things there is most pleasant, and that the people are quite satisfied. The other day, or not long ago, a vote was taken in this place as to whether or not they should have public-houses there; and it was decided by a majority of no less than 6 to 1 that the present state of things should continue. Why not, I ask, allow our fellow-countrymen to have the same advantages as these people enjoy? What argument is there against it? I come here year after year and appeal to the House on the same subject; and although my Bill is rejected, I never hear a sound argument showing why the people of this country should not have the power of local self-government. We know what a vast amount of good has been done wherever these public-houses and beer shops have been removed. We have had reports from Scotland and from elsewhere where these houses have been abolished showing the good results of the change. We ourselves know of good landlords who have cleared their property of these houses, and by so doing they have gained the applause of all good men and the thanks of their neighbours. But where these places are put down you ought, if you are logical, to interfere with the landlords, and say—"You are misusing your property, and we will legislate to make you give the people that which you are depriving them of." But you know perfectly well that the removal of temptation must remove the evil to a certain extent. The late Prime Minister said on one occasion that it was the duty of the Government to make it as easy as possible for a man to do right, and as difficult as possible for him to do wrong. I maintain, however, that our licensing system does the very reverse, and that it makes it easy for a man to do wrong and difficult for

him to do right. Sir, after the speech of the hon. Gentleman the Member for Birmingham (Mr. Muntz) I must be allowed to read one or two extracts to the House. They are not very long, but in my opinion they are important, because America has been referred to, and the state of things there will perhaps be given to show that prohibition is a total failure. Let me read a document to the House which is from the highest responsible authority you can get in the State of Maine—namely, the late Governor of that State. I will read that, and then what the Governor for the present year says, and I will leave the House to judge between the gossip which the hon. Member for Birmingham has repeated and the straightforward evidence of responsible individuals. In August, 1875, the Governor of Maine said—

"The influence of the law has been salutary, not only in mitigating the dramshop evil, but also in promoting good order, thrift, and sobriety. Lately, the execution of the law has improved from year to year, until dramshops have, practically, ceased to exist in the rural portions of the State, in which are found more than three-fourths of our population, and even in the cities, where it is always more difficult to restrain vice and crime, open tippling shops have been largely reduced, and in many almost entirely closed. So general has become the conviction that the policy of prohibiting the dramshops, on the whole, restrains the evils of the liquor traffic immeasurably beyond any conceivable system of licence or regulation, that all organized opposition to the Maine Law has ceased in this State, and at least two-thirds of our people give it a hearty support."

In 1876, Mr. Connor, Governor of Maine, said in his annual Message—

"The law, as a whole, fairly represents the sentiments of the people. Maine has a fixed conclusion upon this subject. It is that the sale of intoxicating liquors is an evil of such magnitude that the wellbeing of the State demands and the conditions of the social compact warrant its suppression."

The Report of the Select Committee of the Canadian Senate to consider the Report of the Government Commissioners to the United States to inquire into the results of prohibitory legislation, March, 1875, had this passage—

"The Report of the Government Commissioners shows clearly that the prohibitory law of the States of Maine and Vermont has been well enforced, and has largely diminished crime and pauperism, and that its beneficial effects upon the community have been so fully proved by the experience of over 20 years that there is

now no attempt made to repeal it, while in the other States visited—although the law was not so generally enforced—wherever it was brought into full operation the same result of the diminution of crime invariably followed. In the cases where the prohibitory law was for a short time repealed intemperance and crime immediately increased to so marked a degree that prohibition was soon re-enacted."

Consul Murray (Report for 1875)—

"As regards the towns and villages there can be no manner of doubt that the law has been nearly successful."

That is the evidence of a man who has been quoted up and down in all the newspapers during the last Recess as proving that the Maine Law has been a failure. I know it is of very little use my making these quotations. Some one will get up and say that he has been in Boston or some other American city, that he has there met a man with a dark lantern in the street, and notwithstanding the law has gone with him, and that they have had rum together. Such evidence as this, however, is of little value—I like to see tangible proofs brought, and these I have read to the House. Now, of course, I shall be met by the old argument that this Bill is one of permissive and not Imperial legislation. But our present law is permissive. No magistrates are compelled to grant licences—they are only permitted to do so; and I wish to make very little addition to our present permissive law. I wish to say in my Bill that the magistrates shall grant licences as they do now, but not when the people are opposed to it. But even if my measure proposed a new permissive law, it should not be opposed by hon. Members on the other side of the House, because the present Government is a permissive Government. One after the other the Acts they bring in are permissive, and last year whilst sitting in my place I heard with delight the right hon. Gentleman at the head of the Government use these words—"I regard permissive legislation as the characteristic of a free people." I thought when I heard him say that that the words were spoken by him, like the good Radical that he was, is, and ever will be. Permissive government is a thing to which my Tory friends have lately become converted. I have been told that my Bill could not be carried out; but that is no argument for hon. Gentlemen opposite, because

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the Agricultural Holdings Bill was a permissive measure—that has not been carried out although it has been passed. In fact, I have heard it very highly extolled on that very ground. In that case they passed a law which a person can contract himself out of with some little difficulty. The legislation I propose differs from that, inasmuch as it would not be for people to contract themselves out of it but to contract themselves into it. There is another argument against the Bill—namely, that it will only come into operation in places noted for their sobriety. Why, Sir, I want to protect sober places and keep them sober. Now-a-days a flourishing village, where men are getting good wages and happy homes, and are accumulating a little money, is the place that the publican fixes on. He says—"There is a mine of wealth here, and if I can only start a shop I shall draw the money these people have accumulated from their pockets into my coffers." If my Bill were passed it would be possible to prevent publicans coming into a village and spreading crime and pauperism amongst the community. It would be helping the working man and the upper classes also. We have heard a good deal about Knightsbridge Barracks recently. When a deputation waited upon the Duke of Cambridge and represented the Knightsbridge Barracks as an isthmus of barbarism and a disgrace to the neighbourhood, what did he say? He said—"It is not my soldiers who cause these disturbances in the neighbourhood. It is the public-houses. Don't bother me with your deputation, but get the licensing magistrates to shut up the public-houses." Another objection to the Bill is that I do not provide compensation for the publicans, who might have to shut up shop in those cases where it was put into force. That, I say, is a matter which is entirely one for Committee. I want to know before I give an opinion what the publican is to be compensated for and who is to compensate him? If anyone will bring me in a bill and show me that it is a legitimate one and one that ought to be paid, I shall be quite willing to pay it. I do not know why a man who has paid a certain sum for a privilege to be enjoyed for a year should be supposed to be going on enjoying it, and should be

bought out if, with the sanction of the House, the magistrate, or the ratepayers declined to renew the bargain with him. I consider that the public have a bargain with the beerseller for a year, and at the expiration of the 12 months can decline to renew it. Let any one make a case for compensation for the publican, I say, and no one will be more ready to compensate than I shall be. Then how about the Bill of the late Government. I cannot appeal to that of the present Government, because they did not take away any privileges by it. Gentlemen on this side of the House supported their Government when they brought forward their measure to shut up the public-house, especially the lower class of houses, during a portion of the time when they did their most profitable trade. No one said anything about compensation then, and no one gave the publicans in Scotland compensation when they were compelled to shut up their houses all day on Sundays. Let hon. Gentlemen look at home and see what they have done for themselves before they talk to me about not providing compensation clauses. I think I have gone through the objections to my Bill, and I do think my plan is a simple and a just one. I am afraid, however, good as it is, and just as I believe it to be, it does somewhat suffer from the imperfect way in which I bring it before you; because I understand that the other day the Judge Advocate General (Mr. Cavendish Bentinck) said, whilst speaking on the subject, that—

“the Permissive Bill was yearly rejected by the House by increasing majorities, owing to Sir Wilfrid Lawson's mismanagement of the case.”

From this it would seem that the Judge Advocate thinks the Bill is a good one, because he says its failure was owing to mismanagement. From this it appears that the Bill would get on better in other hands, and I trust some day the Judge Advocate will bring it in himself. At a dinner of Licensed Victuallers not long ago, the hon. Member for East Staffordshire declared I was the “Prince of Humbugs,” and called me the arch enemy of the trade. Another hon. Gentleman—the Member for Worcestershire—said I was a monomaniac. The hon. Member for Exeter, too, not long ago, was at a licensed victuallers’

meeting, and delivered an address, and there was a reverend gentleman present, who, in speaking to the publicans addressed them as “My Christian friends,” and then went on to say that he wondered how the Bishop of the diocese could associate with me—a course by which he thought the episcopalian office was dragged through the dirt. He also said that he did not think I had the slightest belief in the cause I espoused. Does he think that no one can believe in anything but beer? I have read all his speeches, and there can be no doubt that he believes firmly in beer. The demand for some measure of this kind continues with unabated force. That has been admitted by all the speakers who have addressed the House this afternoon. There is no doubt—and I think no one will contradict me—that a measure of this kind is supported by almost all the best and most intelligent and most earnest of the working classes, and no wonder. They cannot see why they are not to be trusted the same as their fellow-countrymen in Canada—when gambling was prevalent amongst the higher classes the State interfered and swept all the gambling houses away—why, therefore, should not the working classes be protected in a similar way? The right hon. Member for Bradford (Mr. W. E. Forster) said some years ago that no meeting could be called in his part of the country, on any subject, which would not endorse this demand. You know, as well as I do, that although we live in a time of political apathy or deadness no question can command such enthusiasm in large towns, especially in the North, as can this. The hon. and learned Member for Leeds will admit this, because he is a candid opponent. The hon. and learned Member always has an argument ready against the Bill. Last year, when we had numerous Petitions, he said—“Oh, Petitions are of no use. They go for nothing;” but this year he taunts us with having none at all. All the religious denominations are taking this question up, and a memorial signed by nearly 7,000 clergymen of the Church of England was recently presented to the two Archbishops, praying that something might be done to diminish the plague of drunkenness, and virtually urging that if nothing else could be suggested that they should

give their support to the principle of the Permissive Bill. There is a strong feeling on the question, however badly I represent the views of those who are in favour of the Bill, and you may be sure that this matter cannot be got rid of by gibe, jest, and disdain. The time has come, you may depend upon it, when, if you are to allay this agitation, it must be done by some sound and solid argument by men of influence in the House. Working men cannot see why they may not be allowed to protect themselves from the incursions of capitalists who come among them to make money out of their misery. You may say they are too ignorant, too weak and stupid, to be allowed the exercise of the power I claim for them. If that is so, then surely they are too weak and too ignorant to have this temptation put before them. On the other hand, you may say—and many do say—that they are intelligent and independent. If that is so, then there is still less reason to hand them over, tied hand and foot, to the mercy of the magistrates and the publicans. I am not sanguine enough to suppose that the House will sanction the measure to-night. You will throw it out again, as you have done before, by a larger or a smaller majority, as the case may be, and there will be the usual rejoicing in the trade which is so ably represented by the hon. and learned Member for Leeds. Still, I think in the course of the year, when we all of us read the records of the crime—the murders and outrages—which follow upon the liquor trade, those who have helped to throw this Bill out will feel a little compunction and regret that they did not do something to check the misery and pauperism of the country. You do nothing. Everything is rejected. The Bill of the hon. Member for Newcastle (Mr. Cowen), which was more comprehensive than mine, was refused. That of the hon. Member for Scarborough (Sir Harcourt Johnstone)—a very small measure, directed against the evil arising from the large issue of grocers' licences—is opposed by the right hon. Member for the University of London (Mr. Lowe), and is thus in all probability defeated. The hon. Member for Londonderry (Mr. R. Smyth) urged on by the unanimous wish of the Irish people, desires to shut up the public-houses in his country for one day in the week; but the Govern-

ment are throwing every obstacle in his way. Last year the hon. Member for Gateshead (Mr. James) endeavoured to introduce a clause in the Artizans' Dwellings Bill to prevent a public-house being built near the dwellings which would arise under the Act; but the right hon. Gentleman the Home Secretary would not accept it. It is a pity that this sort of thing should continue. We are an assembly here of rich men, and we do not of course realize all the misery that the public-houses are bringing on our poorer neighbours. We do not see it every day, but it is felt by those classes, and they feel hurt at seeing this House turn away from considering this question which affects them. They claim to be allowed to protect themselves from their greatest evil. But I tell you that this measure will receive the sanction of Parliament some day; and if it was passed to-day the House would do no disgrace to itself, but, on the contrary, it would do very much to promote the order, and the morality, and the happiness of the great mass of the people.

SIR HENRY SELWIN-IBBETSON: I am sure that, had my right hon. Friend the Judge Advocate General (Mr. Cavendish Bentinck), been present here to-day, he would not have been so rash as to assert that the course represented by the Bill before the House has not one of the very ablest advocates in the hon. Baronet the Member for Carlisle. I venture at the outset to say to the hon. Baronet that that Gentleman, and those who sit with him on this side of the House, are as anxious as he can possibly be to reduce to the very utmost extent the evils he has been denouncing. Of that my right hon. Friend the Secretary of State for the Home Department has given conclusive proof at his reception, on the previous day, of the deputation which waited on him in reference to this very question. The question before the House is a practical one—it is to say whether the Bill now before the House is the best method of dealing with this grave matter. It is admitted on all hands that there is a very great and serious evil to be dealt with when, to some considerable extent, there is abuse in the consumption of intoxicating drinks. It has also been admitted, after very great attention devoted to the subject, that the best way of coping with

the question is by regulation rather than by restriction, and that the best way of promoting that regulation is by strengthening the powers of the magistrates in promoting order. To that end of late years all the measures of the Legislature have been directed; and it is because the powers given to the magistrates have not gone so far as the hon. Baronet thinks they ought to have gone that he now complains of the working of the system altogether. I propose, however, only to deal with the principle of the hon. Baronet's proposals, and I venture to think the House will hesitate before it gives its sanction to a scheme that attacks the rights of property in the way that the Bill now before the House does. It is true that a publican's licence only gives him the right of carrying on business for a year; but the custom of the licensing law has been to recognize his right to carry it on as long as he conducts his business in a manner beyond reproach; and relying on that understanding, a large amount of capital has been embarked in the trade. And the Bill gives no compensation. The Legislature will never sanction the arbitrary decision of the majority of ratepayers in a district to deprive a man of his property and his business. Let us look, too, at the practicability of the measure, and at its working. If the hon. Baronet's Bill passed, and the vote of a majority closed the houses in a particular district, the defeated minority would set to work, and, rapidly becoming a majority, would perhaps in the very next year compel them to re-open those same houses; and the district, in the meanwhile, would be a scene of turmoil, confusion, and passion. But, more than all that, I ask the House whether the passing of the Bill would not at once deprive us of the great safeguard we possess for the good conduct of those houses, from the fact that capital is vested in them, and that the occupier knows that it is staked on the good conduct of his business? Would not the fact that no compensation is given tend to do away with that safeguard? The whole gist of the arguments used to-day in favour of the Bill comes to this—Are you prepared to entrust to the local districts the power of legislation on this question? If you are, I say you will be commencing a system which you may

not be able to stop, for other questions will arise in which it will be proposed to proceed in the same way; for the House will be practically confessing its inability to legislate on the subject by handing over to the caprice or accidental state of opinion prevailing at a particular time among the inhabitants of a locality the power Parliament has hitherto exercised itself. If you do, you will have legislation of different kinds exercised in different places, according to the views of the majority that may prevail in those places. Surely nothing can be more detrimental to the interests of the country than to have your laws administered according to caprice or accident. But surely there are other ways in which the House can deal with this subject of intemperance in a more practical manner than the hon. Baronet proposes, and without acting so arbitrarily as regards property. He complains that the House has rejected every measure that has been brought forward from his point of view. But if the House would really cope with this evil in a manner likely to be effective, it must do so by giving greater power to the magistrates of the country—by giving them a more complete control over all the houses so as to limit them to the wants of the district—and by considering whether, under the circumstances, restrictions should not be applied to the sale of spirits throughout the country, so as to limit the facilities which have of late been so largely extended. It is only in those houses where magistrates have not full control that the number of licences have increased; if the magistrates have shown so much discretion in the exercise of the powers they at present have, surely we may expect good results if further powers are entrusted to them. In that way I think very beneficial results may be obtained, and by unobjectionable means. The Bill of the hon. Member will be operative, as has been urged, precisely in those places where it is not needed, while it will fail to affect those in which a remedy is really needed. That view is practically expressed by the hon. Member for Dumfries (Mr. E. Noel), when he says that he shall vote for the Bill, not because he likes or approves it, but simply as a protest against the present law. When hon. Members advance an argument of

that nature their course is hardly calculated to advance the cause which they have at heart. They are, in fact, advocating what they have no faith in—a course which does not add to the dignity of the discussions of the House of Commons. Looking at the details of the Bill, there are some points which seem to have been entirely overlooked by the hon. Baronet. He has provided a system for taking votes in a kind of election with regard to this matter; he has provided also that the votes shall be returned on a certain day and counted; but he has taken no care to guard against the fraudulent counting of the votes. There is no provision such as applies in Parliamentary elections to provide that the votes shall be counted in the presence of those who are interested on either side; and practically the whole matter in regard to elections is left in such a crude state that the hon. Baronet would find, if the Bill went to a Committee, that almost every provision would have to be remodelled. I believe that it would be impossible to pass the measure in its present shape, and I feel that any Bill should carry with it the views of the general body of the House. The hon. Baronet has told us that he is prepared to adopt the various suggestions which have been made to him, and he acknowledges that they would effect an improvement in the Bill. Now, I am of opinion that a Bill dealing with so serious and so grave a question ought to be more carefully prepared; and, at the same time, I am persuaded that in rejecting the measure the House will not be understood to assert that it is not interested in the suppression of drunkenness, but will merely say that this is not a practical mode in which the subject can be dealt with.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 81; Noes 299: Majority 218.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for three months.

Sir Henry Selwin-Ibbetson

WILD FOWL PRESERVATION BILL

(*Mr. Chaplin, Mr. Rodwell.*)

[BILL 42.] THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Mr. Chaplin.*)

MR. J. W. BARCLAY said, he had no objection to the preservation of the birds named in the Bill, chiefly aquatic birds, but objected to the means provided for carrying out this object. The Bill gave objectionable powers to gamekeepers and game preservers. It would also, as now framed, be of no practical value, and would, like the Small Birds Preservation Act, be enforced chiefly against poor people, while proprietors and others escaped.

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

CONVICTED CHILDREN BILL.

On Motion of Sir EARDLEY WILMOT, Bill to enable Courts and Justices to send to a certified Reformatory School, without previous imprisonment, young children of tender age, when convicted of certain felonies and misdemeanors, ordered to be brought in by Sir EARDLEY WILMOT, Mr. FLOYER, and Mr. Serjeant SIMON.

Bill *presented*, and read the first time. [Bill 192.]

SETTLED ESTATES ACT (1856) AMENDMENT BILL.

On Motion of Mr. MARTEN, Bill to amend the Settled Estates Act of 1856, ordered to be brought in by Mr. MARTEN, Sir HENRY JACKSON, and Mr. GREGORY.

Bill *presented*, and read the first time. [Bill 193.]

SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) (NO. 2) BILL.

On Motion of Mr. RICHARD SMYTH, Bill to prohibit the general sale of Intoxicating Liquors on Sunday in Ireland, ordered to be brought in by Mr. RICHARD SMYTH, The O'CONOR DON, Mr. CHARLES LEWIS, Mr. JAMES CORRY, Mr. WILLIAM JOHNSTON, Mr. DEASE, Mr. THOMAS DICKSON, and Mr. REDMOND.

Bill *presented*, and read the first time. [Bill 194.]

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 15th June, 1876.

MINUTES.]—PUBLIC BILLS—*First Reading*—*Small Testate Estates (Scotland)** (115); *Burghs (Division into Wards) (Scotland) Amendment** (116); *Smithfield Prison (Dublin)** (117), and referred to the Examiners; *Public Health (Scotland) Provisional Order (Irvine and Dundonald)** (118), and referred to the Examiners; *Metropolitan Commons (Barne)** (119), and referred to the Examiners; *Metropolis (Whitechapel and Limehouse) Improvement Scheme Confirmation** (120), and referred to the Examiners.

Committee — *Tramways Orders Confirmation (Bristol, &c.)** (60).

NEW PEER.

Thomas George Lord Northbrook, G.C.S.I., having been created Viscount Baring of Lee in the county of Kent and Earl of Northbrook in the county of Southampton—Was (in the usual manner) introduced.

SWEDEN—EPISCOPAL CHURCH AT STOCKHOLM.

OBSERVATIONS. QUESTION.

VISCOUNT ENFIELD (Lord STRAFFORD) wished to put Questions to the Secretary of State for Foreign Affairs upon a subject in which the English Protestant residents at Stockholm were much interested. About a century ago British and French Protestants obtained permission from the then King of Sweden, Gustavus III., to meet for Divine worship; but it was not until 1855 that a permanent Consular Chaplain was appointed. The maintenance of the chaplain was defrayed in the usual manner—namely, by an allowance from Her Majesty's Government equal to what British subjects contributed. Until 1866 Divine service was regularly performed in the Moravian Church lent for that purpose. In 1866 the present Episcopal Church of St. Peter and St. Sigfrid was consecrated by authority and opened for Divine worship. What was the cost of building and maintenance? The total amount spent from 1855 to 1875 for the building, maintenance, and administration of the church amounted to £10,859, of which the British Government contributed £5,134, British subjects, £5,498, and non-British subjects, £227. The annual Consular certificates required by and sent to the

Foreign Office would, he believed, prove the accuracy of these figures. Up to May, 1875, there was no doubt as to the proprietary rights of the British Government and of British subjects in the church property; but in May, 1875, Her Majesty's Consul announced that as the Government had discontinued the annual grants in aid of Consular chaplaincies, he would no longer interfere in the management of the church affairs, and the Consul then retired. A Committee of Management was thereupon elected for a year, with power to fill up the then vacant chaplaincy. The Rev. J. Taylor, D.D., was nominated chaplain for the year. This was in July. On the 8th of December Dr. Taylor, in writing, gave notice of his intention to retire from the chaplaincy at the expiration of his term. This was accepted by the Committee. Subsequently, Dr. Taylor wished to withdraw his resignation, and asked for the help of Her Majesty's Minister at Stockholm in the matter. The Consul at first used his good offices with the Committee, but subsequently retired from any further interference; and the matter was considered as finally settled, and the Committee began to look out for a successor to Dr. Taylor. But now commenced the difficulties of the case, for Dr. Taylor's friends dissolved the legally appointed Committee, appointed a new one, and on the 14th of February last re-elected him as chaplain. They requested the former Committee to give up the keys of the church, the books, and other church property, which request was refused. The church was closed, various demands and counter demands were made by both of these Committees; and after sundry legal proceedings had been taken, on the 31st of March the Governor of Stockholm demanded from the British Committee the keys of the church; and on these being refused the doors of the church were on the 1st of last April forced, and Dr. Taylor and his friends were now in full possession. The matter had been referred to the Law Officers of the Crown in England, and he now wished to know whether the Secretary of State could give any information on the subject. He thought it right to add that the remarks he had made were founded upon a printed statement forwarded to him from Stockholm and signed by five gentlemen, one of whom was a personal acquaintance of

his own. Without wishing to offer any opinion on the points at issue, he still felt that the question was one of much interest and importance to the English Protestant community at Stockholm. The Question he desired to ask of the noble Earl the Foreign Secretary was, Whether he could give any information respecting the case of the British Church Committee who are resisting before the Swedish Courts an attempt to deprive the British Government and British subjects of their proprietary rights in the Church property at Stockholm?

THE EARL OF DERBY said, the question which his noble Friend had brought under the notice of their Lordships was one which had attracted a good deal of local interest, and therefore he thought that his noble Friend was right in calling attention to it. At the same time, he did not know whether he could give the noble Viscount much information in addition to that of which he had shown himself to be in possession. To the best of his recollection, the details stated by the noble Viscount were an accurate account of the transaction, and resolved themselves into this:—In consequence of a decision come to by the late Government with respect to Consular grants to such chaplaincies, the grant to the chaplain at Stockholm was withdrawn. The question now at issue was this—the old Church Committee, composed of British residents, claimed the church as the property of British subjects; while the party represented by the rival Committee claimed it as the property of the whole of that community at Stockholm which professed the religion of the Church of England, whatever might be the nationalities of the persons composing that community. Her Majesty's Government had consulted the Law Officers, and the Law Officers had advised against any interference by the Government:—they regarded the case as one which ought to be dealt with by the Swedish Tribunals before which it now was. There was some ambiguity in the wording of the title deeds of the land on which the church was erected, and the construction which should be put upon those deeds was the question which the Swedish Courts would have to determine. The old Committee was willing that the church should be vested in the Bishop of London; but the other Committee, without whose consent that

proposed arrangement could not be carried out, would not accede to such a settlement. Her Majesty's Government had been asked more than once to make a representation on the subject to the Swedish Government, but they had declined to do so, because in its present stage the dispute was of a purely legal character, and he presumed that the Swedish Government neither would desire, nor would have the right, to take it out of the hands of the Swedish Tribunals.

THE BISHOP OF LONDON said, that the difficulty that had arisen at Stockholm was only one out of several that had arisen from the hasty and inconsiderate manner in which the British Government had withdrawn our support from the Consular chaplaincies abroad. When the Government determined on that step some arrangements should have been made by which the present difficulties might have been avoided.

THE EARL OF KIMBERLEY, without entering into the question raised by the right rev. Prelate, desired to express his opinion that the decision carried out by the Foreign Office when his noble Friend (Earl Granville) was at the head of that Department was a right one. It was only reasonable that British subjects who lived abroad should maintain the churches in which they worshipped. The only exception to that rule ought to be that of churches attended by British seamen who were only temporarily resident in the places where those churches stood.

TURKEY—THE TREATY OF PARIS, 1856.

QUESTION. OBSERVATIONS.

EARL DE LA WARR rose to ask the Secretary of State for Foreign Affairs, Whether he has any objection to state in what position this country stands with regard to the Treaty signed at Paris on the 15th of April, 1856, between Great Britain, Austria, and France, guaranteeing the independence and integrity of the Ottoman Empire; and, whether the Suzerainty exercised by Turkey over the Tributary States of Servia and Roumania is included in that guarantee? The noble Earl said, he thought it would materially assist to enlighten the public mind on a subject which at the present time, owing to its great importance, much engrossed public attention, if,

without inconvenience to Her Majesty's Government, it could be stated how far—to what extent—this country is pledged by Treaty to maintain the independence and territorial integrity of the Ottoman Empire. The Question which he proposed to put to the noble Earl at the head of the Foreign Office he had endeavoured to separate as far as possible from collateral questions of great interest at the present moment, believing that their Lordships would be put in possession of all information as to the state of affairs in the East at the earliest possible time; but it seemed to him important to know—more especially as regarded the future—what the exact position of this country was with reference to guarantees by Treaties of the integrity and independence of Turkey. This was the more necessary as since the Treaty of Paris, which was, perhaps, sufficiently distinct, other Treaties had been entered into; and, as would be in their Lordships' remembrance, one important part of the Treaty of Paris relating to Russian ships of war in the Black Sea had been abrogated by the Treaty signed at London in 1871. He was not aware, however, that anything had been done to weaken the force of the Treaty of Paris or of the Treaty which almost immediately followed it with reference to the Question which he had put to his noble Friend; but events had occurred, and might occur again, which might make it incumbent upon the Government of this country to consider further what course they should pursue. In order to make clear what he wished to bring under the notice of the noble Earl he must ask their Lordships to allow him to refer for a moment to the Treaties which bore upon this subject. By the Treaty of Paris, signed March 30, 1856, Art. 7, it was recited that—

“Their Majesties engage, each on his part, to respect the independence and territorial integrity of the Ottoman Empire; guarantee in common the strict observance of that engagement, and will, in consequence, consider any act tending to its violation as a question of general interest.”

Then, as regarded the tributary States, there was Art. 22, which recited that—

“The Principalities of Wallachia and Moldavia shall continue to enjoy under the suzerainty of the Porte and under the guarantee of the Contracting Powers the privileges and immunities of which they are in possession.”

Next, with reference to Servia, it was recited by Art. 28, that—

“The Principality of Servia shall continue to hold of the Sublime Porte in conformity with the Imperial Hatts which fix and determine its rights and immunities, placed henceforward under the collective guarantee of the Contracting Powers. In consequence the said Principality shall preserve its independent and national administration as well as full liberty of worship, of legislation, of commerce, and of navigation.”

Now, the Treaty of Paris was followed very shortly by another Treaty between England, Austria, and France, reiterating the guarantee of the integrity and independence of the Ottoman Empire, and in stronger terms, by Art. 1—

“The High Contracting Parties guarantee jointly and severally the independence and the integrity of the Ottoman Empire recorded in the Treaty concluded at Paris on the 30th of March, 1856.”

Again, Art. 2 recited that—

“Any infraction of the said Treaty will be considered by the Powers signing the present Treaty as *casus belli*. They will come to an understanding with the Sublime Porte as to the measures which have become necessary, and will without delay determine among themselves as to the employment of their military and naval forces.”

Their Lordships would observe that in the first Treaty any violation of the engagement entered into was to be made a question of “general interest,” while in the second Treaty the violation of the guarantee was made a “*casus belli*.” It would seem, therefore, that this country was bound to consider as a *casus belli* any violation of the integrity and independence of the Ottoman Empire recorded in the Treaty of Paris. There remained the further Question which he wished to put to his noble Friend, Did this guarantee of the integrity of Turkey include the Suzerainty of that country over the tributary States of Servia and Roumania? Was this country bound by Treaty to keep them in a state of vassalage, and had this Treaty any bearing upon the recent armaments in Besika Bay? It was impossible to suppose that this country would long look with indifference upon the struggles which had so often disturbed those countries—little known and little cared for—which lie to the eastward of the eastern shores of the Adriatic. One, Montenegro, had fought for and maintained its liberty and independence; another, like Herzegovina,

was under the dominion of the Turks; another, like Servia, was in a state of vassalage to Turkey. It was a grave question, what was to be the future of these countries? Should their desire for independence be repressed by foreign interference? Should progress in civilization be checked? Should commerce be impeded by ports and harbours being kept in the hands of a foreign Power? He believed this country would watch the progress of events with the deepest interest, and, while earnestly desiring a peaceful issue, would look with sympathy for lasting and enduring results which had long been desired but never realized.

THE EARL OF DERBY: The best answer I can give to my noble Friend is to read the words of the Treaty, or at least of the material parts of the Treaty itself. The Treaty I refer to is that of the 15th of April, 1856, by which, in the First Article, Great Britain, Austria, and France—

“Guarantee jointly and severally the independence and integrity of the Ottoman Empire, in accordance with the Treaty concluded at Paris on the 30th of March, 1856.”

The Second Article of this Treaty of the 15th of April, 1856, recites that—

“Any infraction of the said Treaty will be considered by the Powers signing the present Treaty as *casus belli*. They will come to an understanding with the Sublime Porte as to the measures which have become necessary, and will, without delay, determine among themselves as to the employment of their military and naval forces.”

These are the words of the Treaty; and as far as I know that Treaty has not been invalidated or modified by any subsequent Treaty or any diplomatic document whatever. I do not understand that my noble Friend has asked me, and I do not think your Lordships will ask me, to do what would be hardly possible, and which if it were possible would be inconvenient and dangerous—namely, to enter on a purely hypothetical discussion as to the circumstances under which guarantees of that kind are to be held absolutely binding on the countries which have joined in them. No doubt they give us a right of interference, and no doubt, under certain circumstances, they might constitute on our part a duty to interfere; but what are the precise circumstances under which this right of interference ought to be exercised is a question which I think

Earl De La Warr

no one ought to be called upon to determine, and which no one can determine till the case actually arises. I am bound to point out that my noble Friend is under a misapprehension as to the drift and purport of the Second Article of the Treaty. There is no doubt that Roumania and Servia as States under the suzerainty of the Porte are included in that general guarantee of the integrity and the independence of the Ottoman Empire; but I submit that my noble Friend misapprehends the meaning of the Treaty when he asks whether it constitutes an engagement on our part or that of either of the other Powers who are parties to it to interfere in the internal affairs of the Ottoman Empire and interpose between the Turkish Government and States tributary to that Government. Evidently that was not contemplated by the Treaty, whatever may be its scope and meaning. The guarantee is one of the integrity and independence of the Turkish Empire against external aggression; but it never was contemplated, and, indeed, it would be quite impossible, that we should be bound to take part on the one side or the other in internal quarrels arising between the authorities at Constantinople and the populations within the limits of the Turkish Provinces or Dependencies.

PUBLIC HEALTH (SCOTLAND) PROVISIONAL ORDER (IRVINE AND DUNDONALD) BILL [H.L.] (NO. 118.) A Bill to confirm a Provisional Order made under the “Public Health (Scotland) Act, 1867,” relating to the burgh of Irvine and parish of Dundonald in the county of Ayr: And

METROPOLITAN COMMONS (BARNES) BILL [H.L.] (NO. 119.) A Bill to confirm a Scheme under the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, relating to Barnes Common: Were presented by The LORD STEWARD; read 1st; and referred to the Examiners.

METROPOLIS (WHITECHAPEL AND LIMEHOUSE) IMPROVEMENT SCHEME CONFIRMATION BILL [H.L.]

A Bill to confirm a Provisional Order of one of Her Majesty's Principal Secretaries of State for the Improvement of an unhealthy area in the Whitechapel District, and an unhealthy area in the Limehouse District within the Metropolis — Was presented by The LORD STEWARD; read 1st; and referred to the Examiners. (No. 120.)

House adjourned at a quarter before Six o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 15th June, 1876.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading—*Prisons (Ireland)* [197].

*First Reading—*Gas and Water Orders Confirmation (Chapel-en-le-Frith, &c.)* [195]; Oyster and Mussel Fisheries Order Confirmation* [196].

*Second Reading—*Elementary Education [155], *debate adjourned*; Customs Laws Consolidation [154]; Roads and Bridges (Scotland)* [118]; Customs Duties Consolidation* [188]; Statute Law Revision (Substituted Enactments)* [183].

*Committee—*Bankers' Books Evidence* [171]—R.P.

*Committee—Report—*Army Corps Training* [182]; Prevention of Crimes Act Amendment* [153]; All Saints, Moss* [172]; Local Government Provisional Orders, Bristol, &c. (No. 6) (*re-comm.*)* [147]; Local Light Dues (Reduction) [173].

*Withdrawn—*Metropolitan Commons (Barnes)* [181]; Salmon Fishery (Provisional Order)* [110].

SALMON FISHERIES ACT, 1873— FISHERY BOARD.—QUESTION.

MR. BLAKE asked the Secretary of State for the Home Department, Whether "The Salmon Fisheries Act, 1873," confers the right of nominating representative members of fishery boards on persons purchasing licences to fish for salmon in public or common waters during the preceding fishing season; and, whether the fishermen who purchased from the Wye Fishery Board licences to fish for salmon in the common waters of the River Wye, otherwise called "The Free Water of Hoarwithy," in the fishing seasons of 1873, 1874, and 1875, have at any time nominated a representative member to the Wye Fishery Board; and, if not, whether he will postpone the consideration of the bye-laws recently made by the Wye Fishery Board, and calculated seriously to affect the interest of the common water fishermen, until a representative member has been nominated and elected by them in accordance with the provisions of "The Salmon Fisheries Act, 1873?"

MR. ASSHETON CROSS, in reply, said, the Salmon Fisheries Act of 1873 did confer the right of nominating members of Fishery Boards on persons purchasing licences to fish for salmon in public or common waters during the preceding fishing season. With regard

to the second paragraph of the Question he understood that the right was disputed, and it was at present a question of law whether the free water of Hoarwithy did constitute a public water. The persons licensed to fish the free water of the Hoarwithy had not yet nominated a representative, and in a disputed question he did not think he would be justified in coercing the action of the Board.

ARMY—MILITIA STOREHOUSES IN MIDDLESEX.—QUESTION.

MR. COOPE asked the Secretary of State for War, When Her Majesty's Government intend to relieve the rate-payers of the county of Middlesex from the burden of maintaining seven Militia storehouses, now occupied by the Crown for nearly four years, either by obtaining possession of them under "The Military Forces Localization Act, 1872," or giving them up with certificates that they are not required, under "The Militia Pay and Storehouses Act, 1873?"

MR. GATHORNE HARDY: A contract has been entered into for building a storehouse, with a view to setting free those at Turnham Green, Uxbridge, and Hounslow, and it is hoped they can be given up in 1878. An offer has been made to the county to rent the premises at Bethnal Green and Dalston. There are reasons against purchasing the buildings at Barnet and Hampstead; but the War Office will be prepared to treat with the county for their hire.

EDUCATION DEPARTMENT—KEYNSHAM BRITISH SCHOOL.—QUESTIONS.

MR. MUNDELLA asked the Vice President of the Council, If it is true that the Education Department has refused an annual grant to the Keynsham British School; and, if so, what are the grounds of such refusal?

VISCOUNT SANDON: An annual grant has been refused to a British school at Keynsham, which has recently been re-opened after having been closed for some five years. It was refused on the following grounds:—In 1871 a British school was closed at Keynsham; in 1872 the Department gave notice to the place that there was a deficiency of school accommodation for 38 children, and that if the British school was re-opened with a certificated teacher, or

the parish school enlarged to the extent I mentioned, no further accommodation would be required. The British school was not re-opened; but the National public elementary school complied with the request of the Department, and supplied the necessary accommodation at a considerable cost. The British school remained closed for five years, and this year we were informed that it was to be re-opened, and we were asked to give an annual grant. This we refused, as we considered it would be unfair to do so, considering that sufficient accommodation had been provided in a public elementary school at the bidding of the Department, because the British school declined to re-open its doors.

MR. W. E. FORSTER asked whether the school district of Keynsham was under the School Board or not?

VISCOUNT SANDON: I think not.

MR. MUNDELLA asked the noble Lord, whether it was competent for the Privy Council to refuse a grant to any school with a certificated teacher because there was a Church school in the district?

VISCOUNT SANDON replied that if the hon. Member would give Notice of the Question he would answer it.

MR. MUNDELLA gave Notice that he would put the Question to-morrow.

INDIA—THE INDIAN BUDGET.

QUESTION.

MR. LEITH asked the Under Secretary of State for India, If the Government are prepared to name a day for bringing forward, in this House, the Indian Budget?

LORD GEORGE HAMILTON: I do not think that it would be for the convenience of the House that the Indian Budget should be discussed before the Report of the Select Committee appointed to inquire into the depreciation of silver is in the hands of Members. When that Report is published, I hope that the state of Public Business will be such as to enable me to give a definite answer.

ELEMENTARY EDUCATION ACT (1870)—SCHOOL BOARDS.—QUESTION.

MR. HEYGATE asked the Vice President of the Council, Whether doubts have not arisen as to the legal construction of Rules 12 and 14 of the First Part of the

Second Schedule of "The Elementary Education Act, 1870," whereby the absence of a member of the School Board during six successive months is held to constitute a disqualification of such member for the whole of his life; and, if so, whether he proposes to introduce an amendment of the Law in this respect?

VISCOUNT SANDON: Questions have been addressed to the Education Department as to the proper construction of Rules 12 and 14 of the first part of the second schedule of the Elementary Education Act of 1870, and the opinion has always been expressed by the Department to the effect that a member of a school board who has been absent for six months, and whose cause of absence has not been approved by the board, is not eligible for re-election. I am not prepared to say at this moment, in answer to my hon. Friend, whether we shall propose any amendment of the law on this subject.

LOCAL GOVERNMENT ACT—HARROGATE BOARD OF HEALTH.

QUESTION.

MR. MILLS asked the President of the Local Government Board, If his attention has been called to the dismissal by the Harrogate Board of Health of their medical officer, Dr. De Ville; and whether any action will be taken by the Government in reference to the matter?

MR. SCLATER-BOOTH, in reply, said, that several memorials and representations had been received from Harrogate; but whether it would be expedient for the Government to take any action on the subject depended on certain technical matters, which were now being inquired into.

CORRUPT PRACTICES AT ELECTIONS ACT—YARMOUTH ELECTION.

QUESTION.

SIR EDMUND LACON asked the President of the Local Government Board, Whether his attention has been called to the fact that at the late Election for North Norfolk a lunatic pauper was taken from the Yarmouth Workhouse to vote, by a written order from the chairman of the Yarmouth Board of Guardians; and to know what steps he

proposes to take to prevent such irregularity for the future; and, whether the Board of Guardians have refused to give any explanation?

MR. SCLATER-BOOTH, in reply, said, that a statement to the effect mentioned by the hon. Member had been submitted to him by some of the Guardians of Yarmouth Union. In the ordinary course a copy of that communication was sent to the Board of Guardians, the reply to which was received two days ago. The Guardians said they had no remarks to make. He would, however, take care that the matter should be inquired into; but it did not follow that there had been any irregularity. That would depend entirely upon the circumstances of the case.

ELEMENTARY EDUCATION BILL.

(*Viscount Sandon, Mr. Chancellor of the Exchequer, Mr. Assheton Cross.*)

[BILL 155.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Viscount Sandon.*)

MR. MUNDELLA, in rising to move, as an Amendment—

"That, in the opinion of this House, it is desirable that the recommendations contained in the recent Report of the Factory and Workshops Acts Commission, relating to the enforcement of the attendance of children at school, should be introduced in any measure for improving the elementary education of the people,"

said, it was not without considerable disappointment and regret that he felt it his duty to submit that Amendment. He had hoped that after the able Report of the Royal Commission had been for some weeks in the hands of Members, and after the encouraging speeches of the Home Secretary on the passing of the Factory Bill and the appointment of the Royal Commission on the factories—more especially his speeches in the country—that no measure of education would have been introduced to that House which was so utterly feeble and ineffective as that which had just been brought forward for second reading. His object in moving this Amendment was not to impede the progress of the Bill, for he had been always ready to help forward any measure for the education of the people; but his object was to remove from the Bill defects

which the noble Lord himself acknowledged to exist when he introduced it. There had rarely been a more bold and graphic picture drawn of the state of education in this country than that which had been put before the House by the noble Lord (*Viscount Sandon*) on that occasion. If such a statement had been made by any private Member even within the last 10 or 15 years it would have been utterly ridiculed. What was the statement which the noble Lord put before the House so graphically? He said that the school accommodation which the country provided was, at the lowest calculation, for 3,250,000 children; that the daily attendance was only 1,800,000; that the number of children presented for examination in any Standard, from the First to the Sixth, barely reached one-fifth; and that out of the whole number of 1,800,000 in daily attendance, only 200,000 were presented in the three higher Standards. The noble Lord did not say how many "passed" in any Standard. He spared the House that humiliation; but stated, in passing, that the number was not at all satisfactory or commensurate with the great expense which had been incurred in providing education for the children. The noble Lord appealed to the House not to make this a Party question. There were some Members on the Liberal side of the House who never had made any educational question a Party question, and it was to be hoped that the noble Lord would not let it be made a Party question on his own side. The result of the noble Lord's statement was that 1,000,000 children were not receiving a decent education, and after those frank admissions it might have been expected that the measure which he would bring in would be equal to the occasion. The noble Lord himself characterized it as a bold and cautious measure. All measures of this kind ought to be cautious; but he could not agree with the noble Lord that this measure was a bold one. The first part of his speech was bold enough; but the measure itself was as inferior to the promise as it could possibly be. The noble Lord said that he was thoroughly impressed with the gravity and importance of the question; that the country was thoroughly ripe for legislation; that the time and the circumstances were favourable, and that the Government ran no kind of risk in

dealing with the subject in a bold and effective spirit. The noble Lord said he had watched the operation of the system since its introduction, and having seen how much the public was in favour of it he should be sorry if the question were made a Party one. He concurred in that expression of the noble Lord. The noble Lord told them that the time had come when he could put the coping-stone on the educational edifice. In these circumstances one would have expected that we should have had a real educational measure brought forward by the Government, and not what amounted to a reversal of the policy of 1870. Did this measure meet the educational requirements of the country? Was it, or was it not, a reversal of the policy of 1870? What were the educational requirements of the country? The educational position of the country was briefly this:—About one-half of the children were attending schools under bye-laws approved by the Educational Department. The noble Lord said that nearly half of the population were under school boards, where those bye-laws were in force, and where the local authorities made it obligatory on the parents to send their children to school; but the other half of the country was under no kind of educational control, excepting that which was established by the Labour Acts. The noble Lord said there were millions of children in the country who did not attend school at all. Where, he (Mr. Mundella) asked, were those millions of children? He would tell the House: they were in that section of the country which was not covered by the school boards, and wherever there were school boards with compulsory powers there were comparatively few children outside the school. Take nearly all the large towns in England, and it would be found that the increase had been from 60 to 100 per cent on the average attendance at school where there was compulsion. What had the Labour Acts done for education? They only led to general confusion, general inconvenience and dissatisfaction, and in reference to the factories and mines they were a constant cause of confusion. Why should the country have conflicting rules on this question? The noble Lord said—"What we want is simplicity and uniformity of management." Educationally considered, those

Acts had been of little use. The Factory Act of 1874 did some good in providing that no child should pass from school into full-time labour until he had passed the Fourth Standard of education; and under the operation of that rule 11 children were rejected in one day, and sent back to school for another year; and if the law had not been passed, those factory children would be in the streets instead of at school. Wherever school boards had been established the education of the children had, he believed, been well attended to, and the noble Lord deserved credit for having stood by them; but where there were no school boards the effect of this legislation had proved absolutely mischievous. So long as we simply prohibited employment, and did not compel attendance, so long must the result be a failure. Where school boards did not exist we had absenteeism, irregularity, with all the consequences of ignorance and neglect. It would have been natural to suppose that the object of the Bill brought in by the noble Lord would have been to bring about in the non-school board districts by some machinery, whatever it might be, precisely the same state of things which existed in the school board districts. There were, as the noble Lord had said, many hon. Members who objected to school boards, but who were willing to accept any machinery which would accomplish the same end. But what had the noble Lord done? He had brought in a measure which, instead of giving us simplicity and uniformity of arrangement, would tend only to confusion, and to weaken the whole character of the education of the country. He proposed to bring about that uniformity and simplicity by creating two authorities, who might delegate their powers to a third. We had at present the school board elected by the whole borough or parish, with the cumulative vote, in order that the representation of minorities might be complete. Then we had the town council, which did not represent the whole borough, but simply districts marked out as wards, and not elected by numbers, nor with the cumulative vote. Outside the boroughs we had the Board of Guardians, a body elected for an entirely different purpose, and having no kind of educational proclivities. It was not elected by numbers; there was no cumulative vote in that case either;

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it was election by property, and not by numbers. The unpaid magistracy of this country were very much opposed to education. ["No, no!"] He maintained that the county magistrates of this country hated education as a rule. ["No, no!"] Conservative Members outside the House did not hesitate to say the same thing. At present the *ex officio* members generally did not take much interest in the work of the Guardians, now that it mainly had to do with the administration of relief; but now the magistrates and clergy would have every inducement to attend, in order to bring their influence to bear on education. Then, by way of "simplicity and uniformity," the noble Lord introduced new districts and new areas which did not always agree with those of towns. At Nottingham, for instance, the Board of Guardians had jurisdiction over some rural districts, but the town was under a school board; so that while they could do nothing in the town, they were all-powerful in those outlying districts. In Sheffield they had two school boards; but the Board of Guardians included the whole town, plus a small parish hard by in Derbyshire, and thus, while the Sheffield board had nothing to do with education in the town, it could direct this small village in Derbyshire. In fact, there were, according to official information, only two counties in England in which the Unions did not embrace portions of neighbouring counties; and there was a Union in Northamptonshire which comprised parishes in no fewer than six or seven counties adjacent. The next object of the Bill was to set up a standard of education for the children in the rural districts, and what was that standard? It was that any child who, at 10 years of age, applied to be employed must show that he had attended school 250 times a year for five years. That was, in fact, only half a year's attendance in each year; and, on looking further into the Bill, he found that these attendances need not be attendances in consecutive years, but that the child might be one year at the age of two in an infant school, attend dame schools in other and intermittent years, and at last satisfy the provision of the Bill with two half-years' attendances just before reaching the age of 10. That was the kind of education it was proposed to give in non-school board dis-

tricts; 250 attendances in each year for five years was to be considered an ample education in these districts. The noble Lord proposed to substitute indirect compulsion for direct compulsion; or, in other words, he would prevent the child labouring until he was 10 years of age, but would not compel him to go to school. He had grave doubts as to the wisdom of preventing a child beginning to labour until certain things had been done, for that amounted in effect to visiting on the child the neglect of his parents. The Bill, he contended, was in several important respects a reversal of the policy of the Act of 1870, which fixed upon the parents the responsibility of the education of their children. The noble Lord, it was true, said that he left optional whether a district should adopt compulsion or not; but there was a reason for taking that course in 1870 which no longer existed, and his right hon. Friend the Member for Bradford (Mr. W. E. Forster) then said, that in introducing the novel system of compulsion he did not provide for it in his Bill, because two years must elapse before the necessary buildings could be erected which would enable the Legislature to force children to go to school, but that in two or three years he believed the country would be ripe for such a system. The right hon. Gentleman went even a step further, and made it compulsory that the children of paupers should be educated. The Bill of the noble Lord now required that the children of the poor, not paupers, should only be required to give half a year's attendance in each year for five years, without compulsion of any kind. The Factories Act of 1874 had been fairly and honourably carried out in Lancashire and Yorkshire, where children up to 12 years of age could not be employed unless they were at school for half-time. But this Bill would, under the age of 10 years, give the parents in outside urban and rural districts the power of sending their children to work in many domestic manufactures—such as straw-plaiting, lace-making, and other work, without sending them to school, where the children would be subject to no regulation as to hours. Whereas if they were sent into factories they would be compelled to work only half-time, and receive schooling the other half. The Commission which was appointed last year to inquire

into and report upon the working of the Factories Bill in textile manufactures, had made an extremely instructive and able Report, which concluded with only two or three recommendations. They visited every part of the manufacturing districts; they examined 700 witnesses from all parts of those districts. Their recommendations as to education were—that the attendance of all children, whether at work or not (with certain exceptions), should be enforced by law; that the school age should be from 5 to 13 years; that the rule of attendance should be that of a full attendance for five hours daily; and that half-time attendance should be conceded as a privilege to all children who were beneficially employed after 10 years of age. The recommendations of the Commissioners and their able Report, on which this Bill was professedly based, had been thrown over, for no other reason, he was afraid, than Party exigencies. The Bill only adopted one of the recommendations of the Commissioners—namely, that no child should be employed until it had reached the age of 10 years. Some idea of the kind of education likely to be imparted under the proposed system might be obtained from the reasonable excuses which exempted a child from attendance at school. The 11th section stated that—

“A person shall not be deemed to have taken any child into his employment contrary to the provisions of this Act if it is proved to the satisfaction of the Court having cognizance of the case either that during the employment there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school which the child can attend.”

He maintained, however, that there ought to be a public elementary school within two miles of every residence. Another exception to the prohibition of the employment of children was if the employment were in the hay harvest, corn harvest, or hop picking, or was otherwise necessary for the ingathering of the crops. He wanted to know why the noble Lord had not the courage to say that children who were prohibited from working ought to be in attendance at school. In the North of England there was outside the towns a vast population which was not really a rural but an urban population, and why should the children in such places be employed

while those inside the adjacent towns were at school? Again, why should there be a distinction between England and Scotland? Public opinion in Scotland would scout a man who allowed his child five half-year attendances up to the age of 10 and then sent him to work. Why, he wished to know, should the cities and towns of England have a good system of education while the rural districts had a bad one? The opposition to compulsion did not proceed from the artisans or the agricultural labourers. Some of the provisions of the Bill related to what the noble Lord called “wastrel” children. Manufacturers applied that term to every article which was spoilt in the course of manufacture, and if this Bill became law it would create more “wastrel” children than had hitherto existed in our large towns. The noble Lord said the idea of compelling the parent by law to send his children, broke down the feeling of personal independence; but in many other ways compulsion was introduced without having that effect. In this case its application would be of the most beneficial character, individually and nationally. Yesterday it was admitted by almost every Member who addressed the House that the moral character of the nation could only be raised by higher education and improved social condition. We were dealing now with the very first steps of education, and ought to lay a sound foundation. Many of the contests between labour and capital arose from what he might fairly call ignorance. He might say that the strikes which had taken place within the last five years had cost at least £30,000,000 more than the education of the whole country would have cost for years, and until the ignorance out of which those disputes arose was removed, we could not have improved social conditions. In another respect this was an important national question. Our artisans had to compete with foreign workmen, and yet, as the right hon. Member for the University of Edinburgh (Mr. Lyon Playfair) had observed, we sent them into the field armed with “Brown Bess” against competitors who were armed with weapons of precision. Education was now a great public necessity. They were gradually extending the franchise, so that in time the agricultural labourer would be in possession of it, and that being so, it became

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the duty of the State to see that he was so far educated as to understand the value of the right which he possessed. He hoped he should hear no more about the expense of carrying out a complete system. He found from a Return moved for by the hon. Member for Leicester that in the course of the 24 years between 1851 and 1875, the Church of England—he ought perhaps to say the clergy of the Church, for in reality the Church itself had done very little in the matter—had contributed towards securing the general education of the country £9,700,000, that the contribution of the other religious bodies had been £2,032,000, and the Government £12,390,000—in all somewhere between £24,000,000 and £25,000,000. That was the whole contribution of the richest nation, and of the richest Churches in the world, to the great cause of national education, whereas the little State of Massachusetts had, in the course of five years, raised \$5,462,000 for the same purpose by means of local taxation. And this was not the whole sum paid for education in Massachusetts. Pennsylvania spent still more than Massachusetts—\$6,000,000 or \$7,000,000 a-year; and with such examples he hoped no more would be heard of the expense of education in this country. The present Government did not shrink from increasing expenditure. Why should they not do for British education what they were doing for British armament? He had dealt only with the educational phase of the question, leaving other Members to state other objections to the Bill. In conclusion, he asked the noble Lord not to identify his name with a measure which would hang up the question of education for several years. Some years hence its complete failure would be admitted, and some future Minister would do for it what the noble Lord was doing for the Agricultural Children Act—repeal it. The hon. Member concluded by moving his Amendment.

MR. EVELYN ASHLEY, in seconding the Amendment, said, the country looked in vain in this Bill for a distinct enunciation of the great principle which must underlie every system of national education—the principle that every parent should provide for the elementary education of his child according to his means. Considering the state of the education question, the hope that such

a principle would be recognized in the Bill was not unreasonable. One would have thought that the range of permissiveness had been exhausted during the six years since 1870, and that the necessity for any Bill lay in the very fact that the time had expired during which any further extension of trustworthy education could be hoped for from the permissive principle. The contagious influence upon neighbouring areas of the system at work, in what might be called the compulsory areas, had prepared the minds of those still outside for the more distinct enactment of a universal compulsory law. He wished to draw attention to the opinions of the authorized advisers of the noble Lord—Mr. Cumin, Assistant Secretary to the Education Department, and that able Inspector of Schools, the Rev. Mr. Kennedy, as expressed in their evidence before the Royal Commission on Factories and Workshops. Mr. Cumin admitted that the people were much more disposed to submit to compulsion than they had been 10 years ago, and Mr. Kennedy stated that the population were gradually becoming accustomed to the compulsory system. Yet, in face of the views of their own Commission, the Government had put indirect compulsion in the forefront of their Bill. He put aside Clause 7, dealing with “wastrel” children, because he trusted it would mean nothing, as there were serious defects in it as an instrument of coercion. The indirect compulsion of this measure consisted in stopping children from going to work at a certain age unless they had completed a specified number of attendances at school, or unless they could pass certain Standards, that was to say you were to tell them—when they wanted to work—that, because by the neglect of their parents and of the State they were ignorant, we would take care that they should also be idle; because by no fault of their own, their mind was unskilled and could never gain the suppleness and polish of their fellows, therefore, care would be taken that their hands should be placed at an equal disadvantage, and that they should lose a couple more years in idleness, neither helping themselves nor the community. Such a proposition only required to be stated to be scouted; and, besides, in the case of factory children you would be debarring them from the only chance

of education they had, because if they went to work they would also have to go to school half-time. It was based on the last Agricultural Children Act, the effect of which had been either nugatory or detrimental. He believed this regulation as to the employment of children could only be carried out by the Inspectors, and that town councils and Guardians would decline to enforce it, because it would compel neglected children 10 years of age to remain for two years longer not only idle, but ignorant. His objection to this proposal was, further, that while by this Bill it was very properly affirmed that instruction, and not work, ought to be the business of children up to the age of 10, the wrong business was taken away from them without necessarily substituting for it the right business. A material loss was inflicted on the children, but the consideration for that loss was not secured to them, because while the Bill rightly raised the age of exemption from labour to the age of 10, it did not secure education in the meantime. The House had been told that they must be content to advance by steps. He (Mr. Ashley) agreed in that, but this Bill only "marked time" by means of a compulsion that would not compel. It relieved the Government from a responsibility, but failed to bring home that responsibility to parents and others who have the charge of the children of this country.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is desirable that the recommendations contained in the recent Report of the Factory and Workshops Acts Commission, relating to the enforcement of the attendance of children at school, should be introduced in any measure for improving the elementary education of the people,"—(Mr. Mundella,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. RIDLEY: I hope, Sir, that the speeches of the hon. Gentleman who moved this Amendment and of the hon. Member for Poole who seconded him, are an intimation that the noble Lord was not too sanguine when, in introducing this Bill, he ventured to anticipate for it, if not in the most confident spirit, yet with some expectation of suc-

cess, the impartial assistance of all those in this House who have taken, or are taking, a prominent part in furthering the educational interests of the nation. It is, unfortunately, too vividly within our knowledge that this ignorance of the masses has been often made the battleground of religious sects; nor are there wanting signs that the introduction of this measure, or, indeed, of any measure for supplementing the Act of 1870, will be made, as in former times, the occasion for a determined effort on the part of one section or the other to obtain indirect advantages in the struggle for supremacy. I will venture, Sir, in a spirit which I trust may not be thought either uncalled-for or presumptuous, to deprecate the intrusion of any such objects, whether avowed or not. I will endeavour, in the few remarks which I now ask the permission of the House to make, to avoid any such expression of feeling myself; and, further, I will claim for this Bill, no less than for the speech in which it was introduced to the House, the merit of being conceived with the single and loyal desire of supplementing the work done in 1870, of providing for needs created by that very Act, and even foreseen at the time of its being passed, and of its attempting to effect these objects without any unnecessary disturbance of existing machinery, and in accordance with the best public opinion of the country.

The very moderation, Sir, perhaps, of this Bill may be a bar to its progress. Partizans of one extreme or the other may have looked forward to finding proposals in it which it does not contain. They will make their efforts to amend in their own direction, and it is only too probable that failure may render them lukewarm towards a measure which contains much indeed of what they would admit to be universally approved, but little perhaps of what from their own particular standpoint is of the supremest importance. Such politicians may not be unwilling to sacrifice the immediate good, in hopes that the future may have better things in store for them, perhaps even that the agitation of an autumn or a year may strengthen the influence they may bring to bear upon public opinion and the Government. I trust, however, Sir, that this will not generally be the case. This is a Bill which, having been introduced,

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ought not to be allowed to drop. I hope the House will take a broad, practical view of it, and that we shall, so far as may be, waive our differences and even our prejudices for the common good. I trust, also, that the Government will show in their conduct of this Bill, as they have done in that of others, that while they can be conciliatory, they can at the same time be resolute and determined, and that once having set their hand to this work, they will not suffer it to languish or expire.

Now, Sir, as regards this Amendment of the hon. Member for Sheffield, I, for one, do not regret that it has been moved. Its object would be perfectly plain and intelligible, from its mere connection with the name of the hon. Member, whose views are well known to the House, even were it not for the unmistakable words in which it is couched, and its reference to the Report of the Factory Commissioners. And that object seems to me, Sir, whatever view one may take of its merits, to be a perfectly legitimate one. It involves, indeed, a point of distinct difference from the principle of the Bill, but it is not inconsistent with it, in so far as it is possible to contemplate it, if made, a part of the machinery of the measure. That measure, Sir, is based upon the universal recognition of all Parties, that means of education having been now provided throughout the country to an extent, if not entirely adequate, yet, at least, in excess of the numbers of children that can be got to attend, it is reasonable to provide further means than now exist for securing that the negligence or wilfulness of parents shall not be suffered to be a bar to their children receiving the simple elements of education, which the State declares it to be for their welfare as well as its own they should receive. With this object it proposes to extend and strengthen the existing provisions for indirect compulsion. It gives the ratepayers in school districts where there are no school boards the power of calling upon a local authority which already is there, to exercise that direct compulsion which cannot now be put in force without the election of a school board; and it gives also to these local authorities power to compel the attendance of those children whom the noble Lord called "wastrels." To propositions, therefore, of indirect compulsion, to the

stringency of which some of my agricultural friends have already taken exception, but the safeguards to which more rigid educationists will wish to sweep away, the Bill adds direct compulsion, but at the will of the districts, and to some extent of the local authorities. The Amendment of my hon. Friend is to take away all option from the districts and authorities, and to establish a universal compulsory law. The object is one which he and others with whom he thinks sought to effect in 1870; it was then, as now, sought to be enforced by the example of various American and Continental States; but the hon. Member relies now to some extent upon the recent Report of the Factory Commissioners, and he has the advantage, too, whatever that advantage may be, of any sense of benefit which may have accrued from the working of the compulsory powers given by the old Act. These experiences have secured him, or done something, at all events, to secure him, the support of the right hon. Gentleman opposite, who appears to be now of opinion that the country generally is ripe for the compulsion which is advocated by the hon. Member.

Now, so far, Sir, as the Report of the Factory Commissioners is concerned, I must altogether demur to its being produced as an argument for universal direct compulsion. Their general recommendation which my hon. Friend wishes by his Amendment to adopt may, indeed, be received with the attention and respect which the separate opinions of those Gentlemen who concurred in it deserve. Such weight, and I do not deny it is great weight, it will no doubt possess. But to ask Members of this House, and especially those who represent agricultural constituencies, to accept legislation of this kind upon the ground of the authoritative advice of a Commission, whose inquiry did not legitimately embrace so wide a field, and who, in fact, made no inquiry whatever into the special circumstances of agricultural districts—advice again which was upon this very ground not concurred in by one of their Colleagues, the hon. Member for Roscommon (the O'Connor Don)—such a course does appear to me to be a somewhat extraordinary proposition. It is one, at all events, against which I protest, and which I entirely decline to accept.

I say, then, Sir, that this Amendment has no claim to such a sanction as the hon. Member attempts on this ground to attach to it. Nor, again, have we anything to do with other countries. In the freedom of our institutions at any rate we cannot admit ourselves to be anything but leaders and examples, not followers of others, a boast no less true than that of the Athenians of old; and no unimportant part of that freedom is based upon that independence of character which is partly the outcome and partly itself the cause of the local self-government which we enjoy. Government by police and Inspectors may have worked well elsewhere—even there perhaps at a cost not at first sight apparent. Even to the extent to which it has been employed in the working of the Factory and Workshop Acts, are you quite sure that their partial failure may not be due to the invidious light in which the Inspectors you have been obliged to employ have been regarded? But let us at least be cautious how we advance upon such a path. Let us remember that law to be effective in a free country must follow and not lead public opinion. And in this case as in others we do not want the public opinion of other countries—we do not even want their example, certainly not as to details. What we do want, no less for its own sake than for its indirect effect in the maintenance of our national character, is the free action of our own people, urged on, if you will, by the advice, by the example, by the direction of those who have influence over them; but being rather educated in this way up to the abandonment of prejudices, and the self-imposition, if need be, of restrictions, than made to acquiesce discontentedly in law which they cannot understand and will reluctantly obey.

Let the Amendment then, Sir, of my hon. Friend stand or fall not upon the recommendation of a Commission in this matter of no corporate authority, nor upon facts or precedents deduced from other countries; let it rather be decided by seeing what the principles upon which we have hitherto acted, and the experience we possess, show to be the most prudent alike and the most statesmanlike course.

Now, Sir, the point at which we have arrived in this educational matter—and I will promise not to travel more

than necessary beyond the Amendment of my hon. Friend—the point at which we have arrived seems to be this—Up to a comparatively recent period—and speaking now exclusively of England—the State practically ignored the general elementary education of the country. It is a fact to be regretted—but still no less a fact. By the agency, however, and exertions of private individuals, of societies, of religious denominations, a large number of schools were established throughout the country, which ultimately obtained recognition at the hands of the State, so that public grants were made both for building and maintenance, conditions being attached to such grants on the method known as the payment by results. All these exertions, however, and all the self-sacrifice which they entailed, did not succeed in meeting what were universally felt to be the legitimate requirements of society, and in 1870, many previous efforts, which I need not now refer to having been made, a great advance was achieved by the Act of that year which was passed under the vigorous but temperate guidance of the right hon. Gentleman opposite (Mr. W. E. Forster). The intention primarily of that Act was, it will be admitted, to create rate schools in districts where there was a proved educational deficiency. It was an Act essentially supplementary—the State even still maintaining a part which may fairly be called subordinate, so that even now education rests in the country much more upon the traditions and habits of the people than on State help. It was felt, however, that the money of the ratepayers having been taken to erect schools—it was right and proper that they should have through their elected representatives the power of compelling the attendance of the children for whom they were thus bound to provide. Compulsion of an indirect character, and imposed originally as much from humanitarian motives and reasons of health, as with the object of education, had obtained for some time in crowded manufacturing centres. These regulations were left unaltered and unextended, but the provisions of the general Act were, on the lines I have indicated, made of universal application. The results of this legislation were well summarized by the noble Lord when he introduced this Bill, and constitute indeed

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the reasons for its introduction. Great efforts having been made, and made successfully, by voluntary enterprize to provide good and efficient schools it is felt yet that there lack some ready means for compelling the children to come in. How is this power to be exercised or conferred? The Bill now before us, stringent as it is in many respects, proceeds upon the old lines of voluntary local action. The Amendment of the hon. Member proposes action yet more decisive. He does not wish to supersede indirect, but he would take away the local option of direct compulsion.

Now, Sir, before dealing shortly with the objections which I have to the proposal of the hon. Gentleman and his Friends, I should like to premise that we who in this House are not dealing with this matter either as educationists entirely or as members of voluntary bodies whether religious or otherwise, but as statesmen, ought not to be carried away by the enthusiasm however laudable of either of these classes. It is natural that persons who have the education of the ignorant deeply at heart should perhaps be little inclined to scrutinize the means of forcing it upon the unwilling parent—it is only natural too that every voluntary body should show a strong interest in promoting compulsion of whatever kind, so that the increase of their fees should diminish the heavy burden they have now to bear. Let us, however, in this House, while not forgetful of these considerations, remember also that our function is to make use, indeed, of these impulses; but, at the same time, to moderate them, and that we are responsible for enacting legislation which may be useless, or even harmful, if it be not such that it can be practically worked, and reasonably obeyed.

There is one class I do not know whether I am not stretching a point in calling them educationists, who do not lack representation in this House, and who while they are enamoured of direct compulsion are still more enamoured, as it would seem, of school boards. They are even so enamoured of them as to be willing to let compulsion go to the wall, if only they can secure the establishment of the machinery for which their soul longeth. Now I wish to say nothing here of their ulterior object, even though it has been openly enough avowed by themselves. I wish to deal only now

with the arguments which they, and others who are not of them, deduce from the past action of school boards, in favour of their universal establishment in order to carry out direct compulsion. These gentlemen, Sir, argue that there being now a population of 12,000,000 and upwards under school boards, and of that 12,000,000, 10,000,000 and upwards under compulsory bye-laws, you have it as almost an axiom that the establishment of school boards would mean the establishment of direct compulsion, and would involve that satisfactory filling of our schools which we all desire. Now there is no necessity to argue against the universal setting up of school boards throughout the country. The project is a dead one—if, indeed, we might call that dead, which can hardly be said to have ever had life. It is quite plain that the country will have none of them. But has the argument deduced from their past action any life or reality either? On looking into the figures what do I find? Why I find that though the proportion of population under compulsory laws to the whole which is under the management of school boards is as large as I have stated, that is, about 10 to 12, or five-sixths, yet of the total number of school boards less than one-third (the figures are, I believe, 527 out of 1,653) have adopted these bye-laws—the fact, of course, being that in the large boroughs teeming with a crowded population these laws have been put in force, while in the rural districts, that is to say, in that part of the country which is mostly affected by this Bill, they have not been so adopted. I should have thought that was a significant fact. But, further, I find that whereas a very large proportion of those boards which were the earliest formed adopted the bye-laws—a steadily increasing number in proportion to the lateness of their formation have not passed any such laws. It is, of course, true that a large number of these later boards have been compulsorily formed, and I have no wish to push the argument too far; but it may at least be fairly deduced from these facts that whatever the result you obtain, you do not obtain one favourable to the views of these hon. Gentlemen to whom I have referred. Well, but I might go on again to ask—what proof have you got that the working of the

compulsion which you say is so excellent a thing, is altogether what you represent it to be? Have you any right to attribute all the increase, which has admittedly taken place in attendance, to the effect of these laws? Have there been no other causes in operation? Or, again, are things going quite so smoothly, say in this great metropolis, as you would have us to believe? With all the care and caution which may have been exercised, has your system increased in popularity, even among the better classes touched by it? I shall be much surprised if a satisfactory answer can be given to such doubts, and in the absence of such an answer, how can you ask us to accept with cheerfulness the compulsory imposition of what, even when voluntarily undergone, has produced a result so negative, to put it in the mildest form, so unsatisfactory, as I should be disposed to call it?

But this same class of Gentlemen object again to what they say will be the operation of the compulsion proposed by this Bill. Granting that it will come into effect, they say you may be forcing the parent to send his child to a denominational school to which he conscientiously objects. Well, I am bound to believe in the earnestness of the hon. Gentlemen in this House who hold those views. But I honestly confess I cannot understand the reality of the objection. I have tried theoretically to realize it, and though I hope I am no bigot, and though my ambition is to take a fair view of both sides of a question, I utterly fail to do so. And if again I turn to experience, I not only find abundant evidence to prove, but I know of my own knowledge, that wherever good schools exist, the parents take possession of them for their children, and care nothing for the ecclesiastical differences of the managers. I know that was the case even before there was a Conscience Clause established, and when Government Inspectors were clergymen of the Church of England. And I must say I find it now impossible to bring home to myself that with this Conscience Clause in every public elementary school, with the clause which forbids the teaching of any creed in such a school, and with other safeguards existing, even if these were not sufficient, I say I find it quite impossible to believe that there is any force, any life, any substance what-

ever in this objection of the hon. Gentlemen. That it is put forward, and put forward with eloquence, strength, and pertinacity, I know well; but those who do so will forgive me for saying that it needs explanation, and that the explanation one suggests to oneself is more creditable to their courage and ingenuity than to their liberality and zeal for education.

Let me not be understood, Sir, as wishing to argue in favour of indirect as against direct compulsion. I am very reluctant to regard them as rivals. As to the former, it is unanimously admitted that it has the advantage of enlisting all the motives of the parent, both good and bad, in favour of education, and in principle at least, though naturally there will be objections raised to details, there will probably be no opposition to that extension of it which this Bill proposes. It is upon the latter—upon the question of how to grant direct powers for the compulsory attendance of children below 10 that the battle will be raised—that, in fact it has already commenced, and it is upon this point that I submit the Bill is wiser than my hon. Friend.

Now, I have tried to point out to the House—and I am much obliged to them for their indulgence, upon which I will trespass but very little longer—I have tried to point out the principles, which I humbly venture to insist should guide us in this matter. I have endeavoured to show negatively that the proposal of the hon. Gentleman and certain other educationists in this House, and out of it, are not worthy of our acceptance. Let me indicate very shortly the reasons why I think this Bill is sound in principle and practical in its character. Now, in the first place, Sir, this Bill avoids the error of trying to set up uniformity where uniformity does not and cannot exist. It shows in an unmistakable manner upon its face the intentions of the Legislature, and so far as certain conditions and requirements can be universally laid down, it enacts them, even then leaving the necessary modifications to the local authorities; beyond that point, and where you touch upon ground which experience tells you is delicate, it leaves the decision as to such interference to the ratepayers of the districts. It constitutes, in fact, an elastic system which can adapt itself to the varying wants, customs, and re-

quirements of the diversified parts of the country which it will affect and benefit. How else could you hope for the intelligent co-operation of those who have to work it, or to be controlled by it? Am I to be told that in a part of the country like that which I have the honour to represent, where it is upon record that children seldom, if ever, go to work before 11 or 12, and then only for summer work, it can be reasonable or fair to impose restrictions and machinery, which mean expense, for the purpose of effecting that which is already done? Surely we have some right, Sir, to ask to be let alone—or, at all events, to be trusted with the discretion—if you will it, the privilege—of putting into force ourselves the machinery offered us by the Bill. And this leads me, Sir, to say a word about the fitness of the Boards of Guardians to exercise these powers. It is a common objection to them that, being composed to a great extent of farmers and employers of labour, they will not be too anxious to carry out the provisions of the Bill. The hon. Gentleman, Sir, used expressions about the predisposition of *ex officio* Guardians, which the past history of educational efforts in no sort of degree warranted his making against them, whether as county gentlemen or clerical magistrates. But, again, the disposition of the local authorities is not the sole measure of the efficiency of the Bill—for that you have the authority of the Education Department at their back, and your experience of that authority is that it is certainly not to be charged with remissness or negligence. But, more than this, and speaking now of those for whom I am bound to speak, I unhesitatingly say, in the words of that Report to which I have already referred, that so far from being lukewarm in promoting the education of their labourers, or hostile to it, the farmers in the division which I have the honour to represent give every encouragement to the schools, in some cases supporting them altogether, and in others paying the school fees of the children entirely or in part. I will make another quotation, and say, I find that in the southern division of my county (certainly not more favourably inclined to education than the northern), the Hexham Board of Guardians reported to Mr. Henley that—

“Few, if any, farmers in their Union employed either boys or girls under 12 or 13, and they would prefer not to have them till they are 14 or 15; and they recommended that no boy or girl be allowed to be employed under 12 or 13 without producing a certificate of attendance at school for a certain number of days during the preceding six months.”

Another Board of Guardians, again—that of Bellingham—reported—

“That children of either sex under 12 years of age are of little use to the farm, and ought to be at school under that age.”

I think that men who, 10 years ago, in their corporate capacity, held such views, may fairly be trusted to the extent this Bill proposes. Nor do I see, Sir, any force in the objection that by such agents you will bring education into association with pauperism. The Guardians will only pay the fees where the parent is too poor, and in that case who else but the relieving officer is the responsible and proper person for such a duty? And the work is not new; for in the case of paupers the Guardians have not only been in the habit of paying fees at any school selected by the parents, but have taken care through their officers to enforce attendance. And again, Sir, let it not be forgotten that there is a real connection between wages and education. Hunger and ignorance are both bad to bear, but hunger is the hardest; and as, in the case of nations, it is in the main true to assert that prosperity and wealth must precede high literary culture, so is it undeniably true—and let my own county be again the witness—that good wages make good education, rather than good education good wages.

Sir, in the support which I give, and give most heartily, to this Bill, let me not be supposed to be holding it up as a pattern of perfection. Of its principle I most unhesitatingly approve; but certainly I am not here to say that it does not contain faults both of omission and commission. Its details I might easily criticize. I think it, for instance, exceedingly doubtful how far the Bill is wise in committing such powers to the undefined Committees to be appointed by Boards of Guardians—how far the system of free education prizes is either sound or practical; whether some of the exemptions ought so explicitly to be defined by statute. Nor am I unwilling to confess that the

Bill might have contained some facilities and provisions which would have been perhaps only fair and just, certainly very acceptable, to those who are now most heavily burdened in the struggle to maintain their old-established schools. But meanwhile, Sir, I believe this to be, as I have said, a loyal and honest measure. No country ever did more for education within the space of six years than we have done since 1870. This Bill advances in the old lines upon which the policy, the successful policy, of that Act was based. It enforces still more strongly the doctrine of parental responsibility; it tightens the grasp of compulsion. I do trust, Sir, this Session may see it passed; and I believe that if this be the case we shall hasten the day, which it may perhaps be too sanguine for us just now to anticipate, when compulsion shall have become effete machinery, and parental responsibility shall need no Acts of Parliament for its enforcement.

LORD FREDERICK CAVENDISH said, he did not know whether his hon. Friend (Mr. Mundella) intended to divide upon his Amendment, but the House was certainly much indebted to him for having moved it. There were many points that would have hereafter to be discussed; but the question immediately before them was quite sufficient to absorb the attention of the House. The Amendment was not hostile to the Bill, because it could if adopted, be incorporated in it, and for this reason he should support that Amendment. Notices of Amendment had been given for Committee by the right hon. Member (Mr. W. E. Forster) and by himself which would, he believed, practically do what the hon. Member (Mr. Mundella) desired. It had been said that the Report on the Factory and Workshops Act should go for nothing, so far as regarded agricultural children; but the fact was, that the condition of those children came within the scope of their inquiry, for they were directed to inquire in reference to trades, industries, and occupations other than those which were dealt with by the Act of 1874, so as to arrive at the conclusion whether further provision was required in regard to the improvement of the education of young persons and children. How could the Commissioners have fulfilled that duty if they had not inquired into the condi-

tion of agricultural children? In the discussion upon the Bill of the hon. Member of Birmingham (Mr. Dixon), to establish school boards throughout the country and to provide for direct compulsion, the noble Lord (Viscount Sandon) said that the Government would appoint a Commission to inquire into the whole of the Labour Laws in connection with education, which would include the case of agricultural children. It appeared from the Returns of population that there were in the country 400,000 children between the ages of 11 and 15 who were unemployed. Of these, 100,000 were employed in agriculture, 100,000 in factories, and 200,000 in various other occupations. He wanted to know why, under the Factories Act, there should be strong provisions for children who were employed in factories, whilst there were no similar provisions for those who were employed in other capacities? It could hardly be said that compulsory attendance was unsatisfactory, because the members of those boards which had adopted compulsory attendance had had to undergo re-election, and he asked whether there was any instance in which the electors had taken the opportunity to repeal that policy of the board. These compulsory bye-laws had been spoken of as an interference with the liberty of Englishmen; but such an interference with liberty could not have been brought about without the consent of each district. He did not see how the liberty of parents would be more interfered with by an enactment of Parliament than when the same principle was adopted by the votes of their neighbours. Why did not those who objected to the compulsion as an interference with liberty move to repeal the law that established compulsory education all over Scotland? Did the Scotch value liberty less than Englishmen did? Compulsion in Scotland had produced most satisfactory results. He believed that the plan proposed in the Report upon the Factories and Workshops Act was preferable to that embodied in the present Bill. The noble Lord stated that the key of the Bill was to be found in Clause 4, and that clause was entirely founded on the principle of the prohibition of employment. It said that no child under 10 years of age should be employed at all, and next that no child who had not obtained a certificate of efficiency in education should be

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employed up to the age of 14. The principle of the clause was the improvement of school attendance by the prohibition of employment; but the principle of the Report of the Commissioners was the education of all children consistently with the allowance of considerable employment. The object in view was that children should be employed, yet should be also educated—that their education should interfere as little as possible with their labour. With that object the Commissioners proposed—as the Government now did—to prohibit the employment of children up to the age of 10, but they also proposed that in the case of children over 10 years of age the system known as the half-time system, which had done so much good work in the country, should be extended by being adapted to the varying circumstances of the country. The noble Lord stated that very few children went to work in the agricultural districts under 11 or 12 years of age, and that above that age they only worked during the summer months; but if that were so, how could they be prejudiced by the adoption of the recommendation of the Commissioners? The reason of the bad attendance at school of children under 10 was not that such children were employed. It arose from the apathy and indifference of the parents; and how was it proposed to deal with that matter in the case of children under 14? By prohibiting the employment of such children unless they had obtained the certificate to which he had referred. The hon. Member had spoken of that as a system of indirect compulsion; but the House must not allow itself to be misled by words. The system proposed by the Commissioners and that of the noble Lord were totally dissimilar. Of the latter they had already had experience. It was tried under the Coal Mines Act and under the Agricultural Children Act, and in each case it completely failed. The reason it failed was this—that the penalty on the parent was so great that it could not be enforced. In the present case the hardship on the parent was great, but that on the child who was prevented learning anything as to the means of earning his future livelihood, and of obtaining training which would be invaluable to him, was greater still. But it was said that the necessity of obtaining a certificate could be got rid of

by 250 attendances at school, and what was that but six months' attendance, by which means a child of between two and three years of age might become qualified. [Viscount SANDON observed that the child attending must be over five years of age.] He was glad to hear it; but, at all events, the 250 attendances might be got through in a little over six months, and such a proposal could not be for a moment compared with the half-time system, by which labour was associated with education. Mr. Tufnell, a high authority on the matter, had given an opinion in reference to it, in which he spoke of the hardship on the child who could not by examination obtain a certificate, adding that the hardship on a clever child of being deprived of further instruction than that which would enable him to obtain the certificate was greater still. Mr. Tufnell expressed strong objections to a pass examination. He said—

“There is, in my opinion, a still stronger objection to any pass examination. It is well known that the effect of a competitive examination is not only to keep the examinees up to the prescribed standard, but to induce them to go beyond it. . . . A pass examination has an exactly contrary effect. As every one must go through it, the standard must be fixed below the general average ability of the examinees, or an unendurable amount of failures would occur.”

Mr. Tufnell said, in conclusion—

“My final conclusion with regard to the proposal for prohibiting the employment of children who do not go through a pass examination is that it would be a retrograde movement in the educational condition of the country. I am not aware that it has been adopted by any foreign nation.”

This was the opinion arrived at by a gentleman who had for two years devoted his time to the consideration of the education of the children of agricultural districts. No adequate precaution was taken under the Bill that children under 12 should not be employed, nor was there any provision for the extension of the half-time system. It was important that children should be learning that which would enable them to earn their future livelihood while they were attending school, and this very often would only be done by the half-time system. Could not some arrangement be adopted, as in Northumberland, whereby in certain months when children were wanted in the fields, they might be

excused from attending school, while the months when they were usually idle should be devoted to improving the education which they had previously acquired? The proposal of the noble Lord left the matter open to all the anomalies which he had himself condemned. For instance, there would be one set of rules under the Factory Acts, another under the Workshops Act, and a difference between districts having school boards and those without school boards. These differences were quite indefensible. The noble Lord gave reasons for dispensing with the certificate of education in the case of children who lived two miles from a public elementary school; but how would he deal with the parents who removed their residence in order to get into one of these districts? There were 865 civil parishes without elementary schools, and this Act might be evaded in each of them by a parent who had neglected to educate his children removing to one of these parishes where his children would be employed at once. In all these parishes the noble Lord's test failed. It seemed to him that there were very grave objections to the plan of requiring a preliminary test, while there was overwhelming evidence of the success of compulsory education, wherever it had been fairly tried, and there was no complaint from Scotland of the working of the complete compulsory system. If a parent could show that his child above 10 years of age was well employed he ought to be allowed to claim half-time attendance. If, however, the child were idle, and likely to fall into bad habits, then he should be compelled to attend full time. His reasons for preferring the plan of the Commissioners to that of the Government were because the former was based upon the successful experience of a system which had proved its efficacy. He preferred the plan of the Commissioners, because it would cause the least possible interference with employment. It would not hamper industry, or deprive the parent of wages, or the child of its early training for its future livelihood. The Government plan, on the other hand, employed the prohibition of labour as the fundamental means of securing education. The plan of the Royal Commissioners would raise the level of education, because the child must attend school regularly without some reasonable excuse,

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whilst the plan of the Government would tend to lower it. There were certain provisions in the Bill which would be useful; but if his hon. Friend pressed his Motion to a division he must vote with him. He trusted, however, that the noble Lord would summon up courage, and adopt provisions such as were suggested by his right hon. Friend the Member for Bradford (Mr. W. E. Forster), which would give general satisfaction and operate beneficially for the country.

MR. HEYGATE said, he had to complain of defects in the Bill very different from those to which attention had just been called. He regarded the Bill as nothing more than a careful attempt to introduce a system of indirect compulsion, with the view of increasing the attendance at elementary schools, in a manner as little objectionable to the country as could well be conceived; and the only exception to this description of it was furnished by the 13th clause, which gave a small modicum of relief to the voluntary schools. To the principle of compulsion he had always objected in theory; yet he could not be insensible to the growing desire for it throughout the country, and therefore he would not put himself in opposition to the general feeling in favour of it; but he was glad to be able to thank the Government for having adopted the least objectionable means of enforcing compulsion. He thought the Government had gone too far in restricting the employment of children up to the age of 14, unless they had certain certificates, or had made a certain number of attendances, and if they had adopted the age of 12 or 13, they would have had less difficulty in securing the enforcement of the measure. He hoped the noble Lord in charge of the Bill would re-consider this point. The objection taken to the Bill that it was permissive in its character was an objection that already applied to the discretion of school boards as to whether or not they would adopt compulsory bye-laws. It was a fact that large numbers of school boards did not adopt compulsory bye-laws, and, until they were compelled to do so, compulsion could hardly be enforced in the case of Boards of Guardians. The objection that compulsion ought not to be enforced where there was only one school, which might be a denominational school that was distasteful to the parents,

was a most unreasonable objection, for there was the most perfect freedom of withdrawal from religious instruction under the Conscience Clause, which certainly was valueless, though not in the sense suggested, but only because parents had no desire to avail themselves of it. The friends of religious education had great reason for disappointment with the Bill, and it was to them and to hon. Members sitting behind him rather than to the Opposition that the noble Lord ought to have apologized when he disclaimed any desire to reverse the policy of the Act of 1870. They had some right to expect the redemption of the promises that had been then showered upon them. There was a strong feeling throughout the country that some relief should be given to the voluntary system, considering the hard pressure there was upon it owing to the unfair competition of school boards, and in various ways; and he regretted that the suggestions laid before the Prime Minister in the autumn by an influential deputation, headed by the Primate, had not been embodied in the Bill, except the small relief that was granted by the 13th clause. There were no statistics to show what would be the operation of that clause, but he believed it would hardly carry out the intention of its authors to help the poorest and most deserving schools. It was shown, by honest inspection, that children in voluntary schools "earned" in Government grants a larger sum per head than the children in board schools, and the grants thus earned should be paid in full, and not subjected to deductions such as those partially dealt with by Clause 13 of the Bill; and both the history and the position of voluntary schools made it a duty to see that these were not overborne by unnecessary hindrances. Then, again, many school boards seemed to have misapprehended their mission and exceeded their duty, and that increased the injustice of compelling subscribers to voluntary schools to contribute to school-board rates. He could not help thinking that the building of schools had been carried to a preposterous extent; and the system appeared to have been sanctioned by the Education Department ever since 1870. He thought it was time that better control should be ensured by legislation in that respect. In London there was admitted

school accommodation for 412,000 children, while the average attendance with a compulsory bye-law was only 288,000. In Leicester there was school accommodation for 16,500, with an average attendance of 12,000. There also they had a compulsory bye-law. These were fair examples, and not exceptional cases, and he believed the calculations were very erroneous on which so many schools had been built. There were other points in which some relief might have been expected. Where school boards had become useless, or where there was a general feeling that they should be dissolved, he thought the ratepayers who had originally called them into being should have the power to put an end to them. There was a general desire throughout the country for religious education, and he confessed he was disappointed that this Bill did not contain provisions to strengthen the voluntary system, by which alone religious instruction could be secured. In these circumstances he could but give a half-hearted and not a very cordial support to this Bill. It was good so far as it went, but it did not go far enough. He should have preferred a bolder measure, which, grappling with some of the greater difficulties of the case, might indeed have provoked greater antagonism, but would in the end have secured the religious teaching of the country, and entitled the Government who proposed it to the gratitude of the religious and law-abiding people.

MR. EVANS said, he could not entirely agree with the hon. Member who had just addressed the House. He had been a member of a school board ever since school boards were established, and that board had certainly not squandered the ratepayers' money in building unnecessary schools. They had also unanimously determined that religious instruction should be given in their schools. At the same time, he would not force it on a locality if the locality did not wish it. The question rested with the ratepayers themselves, and those whom they elected to the school boards. With regard to voluntary schools, the hon. Member appeared to think they were very hardly treated; but Clause 13 would be found very favourable to poor schools in many districts, whether voluntary or board schools. So far as regarded the general

principles of the Bill, particularly after the rumours he had heard of re-actionary measures, he felt considerable relief. He thought the Government should have recourse to bolder and more stringent provisions, and endeavour to enforce what was proposed by the hon. Member for Sheffield (Mr. Mundella). The dread of compulsion in regard to education was proved by experience to have been very much of a bugbear. The school board with which he was connected had put in force compulsory powers to get the children to school, and they had found little or no practical difficulty in carrying them out. The committee of the board had to listen at its meetings to the remonstrances of neglectful parents and guardians, as well as to a good deal of falsehood; but, generally speaking, the dread of a summons sufficed to make them send their children to school. He believed the same result would be obtained if compulsion were applied in country places, and that with a law-abiding people like ours the difficulties which some apprehended would, as had been the case in the towns, be found to vanish. He should, therefore, be glad if that Resolution, which would not destroy, but only enlarge and supplement the Bill, were carried, or if the Amendments which the right hon. Member for Bradford (Mr. W. E. Forster) was to move in Committee were adopted. In that case a valuable measure might be passed; whereas if the Bill became law as it now stood, it would cause disappointment, and in many parts of the country would prove very nearly inoperative.

COLONEL MAKINS regarded the Bill very much in the same light as the hon. Member for South Leicestershire (Mr. Heygate). He regretted that the Government had not seen their way to giving more substantial encouragement to voluntary schools than was offered by the 13th clause. He had been in hopes that the Government would have been able to see their way to adopting the suggestions he had made to the President of the Council for incorporating the Canadian system, or something very like it, in the Bill. The noble Lord had stated that there were various practical difficulties in the way of adopting that course, but as he had not explained what they were he was unable now to deal with that

part of the question. However, even that small boon to those schools was, unfortunately, opposed. It was recklessly said that it would create inefficient schools, but, in fact, it was impossible for the schools to obtain any grant without first proving their efficiency. The voluntary schools now earned far more of the Government grant than the board schools. In his constituency one voluntary school in the matter of drawing obtained 54 prizes in the examination under the Science and Art Department, whereas no board school ever obtained more than 40; while in regard to the less ornamental branches of education, in the same school 99 per cent of the children passed the Inspector's examination. Nothing was more remarkable than the waning popularity of school boards and education rates, and they should look to voluntary effort, aided by Government grants, as the best means of promoting education. It had sent a thrill of shame throughout the country to think that such a state of things as now existed in Birmingham could have been brought about under the Education Act in one of our largest towns. He hoped the noble Lord would see his way to give increased support to voluntary schools. The Resolution of the hon. Member for Sheffield, if adopted, instead of improving the Bill, would render it still less acceptable than it was.

MR. D. DAVIES said, he did not like the Bill; but he hoped it would be so far improved as to make it a good measure. He regretted to say there were 13,000 children in a district of Wales which he knew who were not at any school, and he hoped the Bill would be so framed as to guard against and prevent such a state of things as that. He was quite of opinion that Boards of Guardians and Corporations would not take the necessary trouble to get the children into the different schools. The difficulty was not now so great as it was six years ago. He was a member of one of the oldest school boards, and that board had never experienced any difficulty in securing a proper attendance. That board had always been elected without opposition, and had not spent a penny on any of the elections. Unless compulsion was used he was satisfied that a proper attendance would never be secured. Approving of the Amendment of the hon. Member for Sheffield,

he was prepared to give it his support, considering the vast number of children in the country who were growing up without receiving any education. The noble Lord, no doubt, thought that the 13th clause would benefit the agricultural districts, but in reality it would do nothing of the sort. In his district, which consisted of 5,600 acres, the rateable value at 7s. 6d. per acre was £2,100, and that at 3d. in the pound would produce £26. The number of people was 360, and the children in the district 60, and at 6s. per head the cost was £18. In the towns where the children were more numerous, and the same staff could teach double the number, the cost would be one-half what it was in the agricultural and thinly-peopled districts. The consequence was, that whereas in towns the cost would be cleared by the rates and the school pence, the Government rate in addition would absorb the extra penny of the income tax. In his opinion, there ought to be no Government grants unless the attendance was compulsory. Why should the parish or district be put to the expense of providing schools and schoolmasters unless they could get the children there? As a manager of these schools in his own district he did not find any difficulty, but he thought that the Church of England should have a little more friendly feeling. The noble Lord said that Nonconformists were an "unclubable set," but how could it be otherwise when such lessons were taught to the children as he would read from a catechism authorized by the Church of England? He did not stand up for building schools for every sect and denomination. Forty years ago, when he went to a Church school, no difficulties of this kind occurred, but somehow the Church had altered. He would not read from the catechism he had mentioned, and which was in use in Montgomeryshire, anything about doctrines, but he would ask the House to listen to these questions and answers—

"Q. What are those who separate themselves from the Church of England commonly called? A. Dissenters. Q. Are there different sorts of Dissenters? A. Yes; Baptists, Independents, Quakers, and others. Q. Is it wrong to worship with Dissenters? A. Yes; we should only attend places of worship which belong to the Church of England."

[Mr. BIRLEY: Will the hon. Member

name the author?] Why should he name him? The thing was clear enough. The book was largely circulated in Wales, which contained a large majority of Nonconformists, and was it any wonder they were offended? ["Name."] The book was circulated by the Church of England Extension Association. For himself he wished to see all these separations broken down, and that they should all join together as they did in the old times. It was quite clear that the children must be educated somewhere, and equally clear that, in the rural districts especially, they could not be educated in separate schools.

Mr. ONSLOW said, he was one of those who did not think it necessary that the Government should have brought in any Bill for education in the rural districts; but, at the same time, as there was a strong feeling existing on the subject, he believed the Government had exercised a wise discretion in proposing the present measure. He had read the Bill most carefully, and he acknowledged without hesitation that it was as good a Bill as could have been passed under the circumstances. There were provisions in it which, in his opinion, would meet all the requirements of the country, and for that reason the measure deserved to pass. He objected strongly to the principle of compulsion contained in the Bill of 1870, and considered the Government had acted wisely in excluding it from their Bill. It was their duty to guide the parents rather than force them to educate their children, and he believed that their object would be effectually attained by the provision that no child should be allowed to work before 10 years of age. He knew of nothing more calculated to induce parents to educate their children than that limitation as to age; and he did not see what better authority could be hit on to put that law into force than the Boards of Guardians, composed, as those bodies were, of gentlemen connected with land and farmers. The children in rural districts did not require any great amount of education. All they required was to be able to read and write and do certain sums in arithmetic; in fact, such an amount of education as would induce them on idle days to take up a book instead of going to the public-house. He trusted there would be no attempt to establish a very high class of education in

our rural schools, as over education would have the effect of driving away manual labour from the country. There was no happier class than the agricultural labourers of England; and therefore whatever was done in this matter they should endeavour on the one hand not to make education nauseous to the people, or, on the other hand, to give them such an education as would tend to drive them from earning their bread from the soil. He considered that the Amendment struck at the root of the Bill by introducing the principle of direct compulsion, and therefore he should oppose it.

MR. LYON PLAYFAIR: When the noble Lord (Viscount Sandon) introduced this Bill, he laid before the House, fairly and frankly, as in fact he laid before himself when engaged in devising remedies, the evils of the situation, and has enabled us to judge how far the remedies may prove effectual. The problem, for which the Bill seeks a solution, is how we are to get 1,700,000 neglected children into school. The noble Lord admitted that it was the desire of the country that education should be universal. In fact, since 1802, Parliament has been devising various means of compulsion through labour laws, and recently has provided ample school accommodation. But, still, there is a large deficiency of attendance, and parents do not perform their duties to their children. This Bill is a logical consequence of the Act of 1870. Then we compelled communities to provide schools and education for themselves, and it is but one step forward to say that the individuals composing them shall receive the education provided. There are differences of opinion how this should be done; but the noble Lord has the advantage of a practical unanimity of purpose that all the children of this country must be educated. There are three ways of achieving the end. The parents might be forced by direct compulsion to send their children to school; or the children should not be allowed to labour till they acquire educational certificates; or there might be a combination of the direct and indirect methods of compulsion. Now, the Bill adopts the latter combination. In the wisdom of this I entirely agree. There is, in fact, no antagonism between direct and indirect compulsion as there is between the subject to which

the same adjectives are applied—direct and indirect taxation. In regard to compulsion, both are collateral roads to the same end. The leaning, however, of the Bill is to travel as much as possible by the indirect road. I have not the least objection to that if the result be secured, for, as to the abstract principles involved in the two methods, there is nothing to choose between them. The noble Lord seems to think it harsh that policemen or truant officers should drive children into school by direct compulsion. To my mind, it seems equally harsh to drive them in, through threats of starvation, by refusing employment to the uneducated. Both methods are stern, if they be not harsh, and the choice between them is a mere matter of expediency. As the Bill sometimes uses one method, sometimes the other, there is little use in discussing which is the best. The Bill in some respects uses the indirect method uniformly and well. It found our labour laws confused and complicated; it makes them simple and clear. It holds out powerful motives to ordinary parents to educate their children. It enlists both the noble and ignoble motives of such parents in the work of education. Under it, good parents will equip their children with the tools of labour, and selfish parents will push on their children in the hope of getting the wages of their work. And the merit of this part of the Bill is that the poor will feel that the same kind of compulsion is applied to them as to the rich. The Army, the Navy, the Civil Service, the medical profession, the Law, the Church, are all subject to labour passes of an acquired education. When a policeman drives the child of a poor man to school, the latter, though he is mistaken, thinks that the policeman does not go to the rich man's house. But the main principle of this Bill will appear equitable, because an examination of the rich for employment is now made nearly as general as that provided by this Bill for the poor. So far, then, as indirect compulsion will go, I believe the provisions of the Bill, except as to the absence at half-time in rural districts, are framed in a sense of justice and with a prudent forbearance to existing circumstances. But indirect compulsion is insufficient. The Bill admits this, or it would not have adopted a supplementary system of direct compulsion. A future educational standard,

applied to a child in its eleventh year, involves at least five years' foresight on the part of the parent; and as prudent, intelligent parents will exercise this foresight—indirect compulsion is sufficient for them. But it is not enough for the thriftless, improvident parents, who will sacrifice to the needs of the day the whole future of a life. For such parents the year 1881, when this Bill comes into full operation, has no prospective terrors. The labour-pass system for their children, unless there be a compulsion between 5 and 10, would simply exclude the child of 11 from the labour market, and thus postpone for some years the working ability of the children of improvident parents. What would be the result of relying on this labour-pass system alone? One of two results must necessarily follow. Either the Act would become a dead letter, because magistrates would refuse to enforce the law against children of 11, from a disinclination to prevent them earning their bread; or the law would be enforced, and children of 11 would be at last driven into school, which they had neglected in their earlier years. But observe what an extravagantly costly system of education this would be. A child between 5 and 10 gets its schooling for 3*d.* per week. But a child from 11 to 14 has a wage value of 3*s.* a-week in the labour market. You refuse it permission to labour, and the parent is deprived of this 3*s.* a-week and has still to provide 3*d.* a-week in fees, so that the education which could have been got for 3*d.* a-week under 10 will practically cost 3*s.* 3*d.* above 10. The noble Lord would reply—that is the fault of the parent and not of the Bill. To that I would rejoin that it is the result of the timidity of the Government in not enforcing direct compulsion on the child between 5 and 10. With regard to the effects of a general labour pass we have little experience, and certainly as much of an unfavourable as of a favourable kind; but in regard to direct compulsion between the ages of 5 and 10, we have the widest experience. In Scotland it applies to the whole population. There the duty of a parent to send a child to school from 5 to 13 is clear and explicit, and his neglect of that duty is punished. In England, 10,000,000 out of a population of 22,000,000 are under the compulsory bye-laws of school boards. Hence we

have a large experience of the working of direct compulsion, and full justification for its extension. The Bill recognizes this by allowing Boards of Guardians to make such bye-laws, if the ratepayers demand them. What are the chances of their doing so? The Agricultural Children Act gave the necessary powers to enforce a modified compulsory attendance, and only 11 counties have adopted it. Two-thirds of the English counties have allowed the Act to become dead. That represents the chances of permissive compulsion. Certainly, in some cases, Boards of Guardians will be moved by ratepayers to make compulsory bye-laws. But such action implies a ready-formed zeal for education. The effect would be to repeat the error of the old Committee of Council system, under which zealous and intelligent parishes got Government grants and preserved their intelligence; while ignorant and benighted parishes were left ignorant and benighted. So with this Bill, it will work well under conditions in which it is not needed, and it is certain to fail where it is most required. But this requires no argument, for the Bill gives us four direct compulsory clauses. By the 7th clause the local authority, though not the parent, is made responsible for the education of children under 10. But frightened by this spasmodic vigour, numerous doors are opened by which the parent may escape. Even "domestic employment" of the child is a statutory excuse. But supposing children are ordered by a Court of summary jurisdiction to attend school, as this clause provides, what is that but direct compulsion in its most naked form? If, then, the principle be admitted, why not make the parent responsible, as in the Scotch Act, and not the local authority? The noble Lord was very eloquent as to the responsibilities of the parent—will he accept the Amendment to make them statutory? He would thus lessen the extreme severity of the screw which he applies to the child at 10. The screw which he puts on them is applied with unsparing torture in Clauses 8 to 10. Actually, penal deprivation of liberty, through the Industrial Schools Act, is now to be applied to persistent truants. This Act of 1866, extended to school boards in 1870, is very useful for vagabond and criminal children, but was never intended for

merely ill-managed children. Recollect what reformatories and industrial schools are. Reformatories are destined for those who have committed crime; and, in Great Britain, though not in Ireland, they have been confined to their true purpose. Juvenile crime does not increase, so the Reformatories remain stationary. From 1864 to 1874, their inmates have grown from 4,300 to 5,600, and no more. Industrial schools are in a different position. Their object is to remove from society, by sentences of penal detention, which may extend from short periods to a length of seven years, scamps and petty thieves, or children under criminal parents. If kept to their proper purpose they should not increase rapidly, because juvenile crime is stationary. Yet this is far from being the case, for while their inmates were only 488 in 38 schools in 1864, they had mounted to 11,409 in 104 schools in 1874. Now, the reason for this rapid increase is not far to seek. Local authorities use these schools as a substitute for Union schools, and as a means of throwing the expense of maintaining poor children on Imperial taxation. The proportion of local rates (independently of school-board contributions) last year was as £20,000 to £134,000 supplied by the Imperial Treasury. In Scotland this temptation is not so great, because the law forces parishes to contribute for wastrel children; but in England, where the law is lax, it is too great to be resisted by the local conscience. Since 1870, the school boards have used these institutions freely. In England last year, 1,331 were sent at the instance of these boards; while in Scotland, where industrial schools have a still larger development, only 31 were sent. Why this difference? Because compulsion is universal in Scotland, and that suffices to prevent the formation of a large wastrel class. The school boards spent £20,000 in this experiment, at a cost of 5s. a-head per week to themselves and of 15s. to the State. And what was the result? I will give the answer in the words of the Dean of Ripon, the Rev. Sydney Turner, who until lately has been the Inspector of these schools. In his last Report he says—

“But independently of the objections to mixing such unruly, wilful, and unmanageable (or, as they might be truly styled, ill-managed) children with the petty thieves and little scamps that the industrial school properly contains, the expense thrown on the board for the maintenance

of such cases, amounting usually to 5s. per week, is not likely to allow of the continued use of so costly a method for enforcing school attendance.”

It is true that he gives a qualified approval to such a course as that suggested by this Bill, that the period of detention might be worked out by day attendances, but he prefers Miss Mary Carpenter's scheme of regular day schools for clothing, feeding, and educating these non-criminal wastrels. The latter plan is working successfully; but the mixed plan, as proposed in the Bill, was actually in operation in 1857, and had to be abandoned from its injurious effects on the discipline of the schools. I do not deny that if day industrial schools were administered with much care and watchfully guarded against improper use they might be a useful machinery in place of the more expensive boarding schools. It has been necessary to discuss at some length this particular plan for enforcing compulsion, because, as the Bill is now framed, it is its essential plan. My objections to it are twofold—first, that if successful it would be inordinately costly; and second, that it is unjust and impolitic. If partially successful, we may assume that 20,000 wastrels out of the 1,700,000 truants might be got into the schools in addition to their present numbers. Now, without taking into account new buildings which would be necessary, the cost of maintenance, according to the present rate upon 31,000 children, would be £750,000, of which the State would require to find at least £500,000. We now pay £1,750,000 to educate 2,000,000 children, but by this system we should have to pay £500,000 to educate 30,000. Will the managers of industrial schools co-operate in this plan? I am told that already four-fifths of these schools are memorializing the Government against the scheme. The second objection is as to the injustice and impolicy of the proposal. It is unjust both to the child and to the taxpayer. Instead of promoting parental responsibility, for which the noble Lord argued, it destroys it. The State is placed *in loco parentis*, and the parent is rewarded for his improvidence by being relieved of the care and charges of the child. The plan is unjust to the child, because mask the industrial school as we may, it is legally a prison in which a child is deprived of personal liberty. So the sum of the plan is this, that

Mr. Lyon Playfair

relieves the responsible parent of the consequences of his improvidence, and punishes the irresponsible child for the neglect of the parent. But there is a deeper objection still, for by using penal schools as the chief engine of compulsion, you connect compulsory education with crime, and go far to render enforced attendance odious to the community. I recollect when my right hon. Friend (Mr. W. E. Forster) proposed to make school attendance a condition of Poor Law relief, an outcry arose that he was associating education with pauperism. But surely it is a hundred times worse to unite it with crime. The reason why these penal clauses are now essential to the Bill is that the Government are afraid to make every parent responsible in law for the education of his children. Accept the Amendment of my right hon. Friend the Member for Bradford to this effect—that is, simply to assimilate the law of England to that of Scotland—and all these penal clauses may be advantageously expunged from the Bill, because then the Industrial Schools Acts of 1866 and 1872 and the Education Act of 1870 contain abundant provisions for providing for a vagabond class. The mistake of the Bill is that it jumbles up this class with mere ill-managed children. For them ordinary direct compulsion is sufficient, as the experience of Scotland proves. For the others you have still the industrial schools and reformatories. I have discussed this Bill as an educational measure, in order that I might not be tempted off that view by the ecclesiastical herring which has been trailed across the path. I do not deny that the Bill is sufficient, in its indirect clauses, for ordinary careless parents. But it fails with the reckless and improvident parent, for it is he who supplies the habitual truant, and in after-life both the parent and the ratepayer will blame the Government for its temerity in enforcing direct compulsion. The parent will say, You had no justification in trusting to my knowledge of prospective law, or to my forethought, when all experience has taught you that I had neither one nor the other. The taxpayer and the ratepayer will blame your timidity when they find that you throw upon them at an inordinate cost the consequences of the neglect of the parent. Among the educationalists of this House there are many who care more for education than

for ecclesiastical differences. But when your Bill makes us all hopeless of attaining universal education through its permissive provisions, it is natural that we should look somewhat jealously to the religious aspects of the measure. Then permissive compulsion in rural districts looks like a machine for filling old and creating new denominational schools. I do not think this was the object of the noble Lord (Viscount Sandon) in constructing the Bill, because I have faith in his single desire to extend the benefits of education to the whole community. If he will meet those who have a like desire with himself by making the provisions of his Bill effective for this great object, the magnitude of such a result will dwarf the objections to the local means for carrying it out.

MR. BIRLEY congratulated the House on the eminently practical character which this debate had throughout assumed. He had heard with some regret the right hon. Member for the University of Edinburgh (Mr. Lyon Playfair) state that a good deal would be said by hon. Members opposite on the question of the religious difficulty; he trusted, however, that nothing would be uttered that would lead to an acrimonious discussion on the subject. For his own part, he should not object to see, at all events, the substance of the Amendment of the right hon. Member for Bradford (Mr. W. E. Forster) incorporated into the Bill, with the Preamble of which it would not be inconsistent. It had been stated that there were no fewer than 1,700,000 truant children in England, but that was an exaggeration arising out of the way in which the Privy Council Returns were drawn up. As to the question of compulsion, there was on that side of the House as strong a desire as on the other, although they did not speak with as much emphasis, to see truant children of the careless poor or of the criminal part of the population sent to school and obtaining an efficient and useful secular education. He might remind the right hon. Member for the University of Edinburgh that the Bill was intended to carry out that object, although perhaps some of its clauses were weak as regarded penalties and as affording loopholes of escape to those who might attempt to disregard them. The experience of the last six years indicated the necessity of caution, and he

could appeal with confidence to the school boards of the great towns, such as London, Liverpool, and Manchester, to show that with all their compulsory bye-laws, and with all their staff of truant compellers, they had been obliged to be extremely cautious in attempting to enforce the law rigidly. True it was that they had been able to reach a large portion of the population who were very indifferent about sending their children to school; but when they attempted to descend to the lower *strata* their efforts had proved most unsuccessful. The right hon. Gentleman and the hon. Member for Sheffield (Mr. Mundella) had naturally referred to the example of Scotland, and had alluded to the Report of the Commission upon the Factory and Workshops Act, but in that Report it was stated that in the towns of Glasgow and Dundee there was still a large proportion of the population which was not receiving efficient instruction. He might observe that, although there might be a strong feeling in favour of compulsion in theory, in practice it would be found to press very hardly upon those who were honest, but were exceedingly poor and destitute, and then the sympathy of all classes would be excited against the system. Indeed, the right hon. Gentleman himself would be the first to complain in the event of anything like an abuse of authority in that respect being developed. When the Manchester Board had attempted to put stringent regulations into force they had been strongly attacked by the leading newspapers. A good deal had been said with reference to the desire which the working classes themselves had that compulsion should be adopted; but he imagined that they were in favour of its being applied in the case of others and not of themselves. They felt that many of their neighbours were a curse and an injury to the community, and to such persons they, perhaps, wished that compulsion should be applied. A great difficulty had been felt with regard to the age at which children should be allowed to go to work. The Manchester School Board, however, recommended that the local authority should have power to grant permission to children to be employed half time at the age of nine, in cases of evident necessity. With regard to industrial schools, there were very efficient ones in Manchester, and it would be a pity to send children

of a certain class there to disarrange establishments of that kind. He believed it quite possible to have a number of schools of a low type to which those children might be sent without causing any great cost to the ratepayers. That course would be preferable to sending these children to ordinary elementary schools in the first instance; for many of them were only half fed and half clothed and of filthy habits, with whom children of the better class of labourers naturally objected to consort. He agreed with the hon. Member for Cardigan (Mr. D. Davies) that the proposed allowance to the so-called poor districts would work in a most surprising manner, and the really poor districts would not get the benefit of it, and in this respect, therefore, he hoped to see the Bill modified. Certain of the deductions which were made were of a most annoying character, while they saved very little money to the department. The public elementary schools should not, in his opinion, be called upon to pay local rates. With regard to the question of religious education, he thought it was a matter of regret that there was nothing in the Bill which provided for religious teaching, or even for the recognition of religion. He failed to see how the fulfilment of parental responsibility in relation to the education of children could be properly secured unless parents were enabled to provide for their religious instruction. The country at large would hail the removal of this blot, if it were done with discretion. He hoped it would be possible to add a clause to the Bill providing that the board schools should give some elementary religious instruction that would be suited to the capacity of children of from 5 to 10 years of age. On the whole, he thought the Bill had been very well and carefully drawn, and that while its proposals had been to some extent misconstrued, the recommendations of the Royal Commission on the Factories and Workshops Act had been exaggerated. He trusted the House would in the present case—as was done when the right hon. Gentleman the Member for Bradford passed his great Bill through the House—apply itself in earnest to the perfecting of the measure, in order to increase the quantity and quality of sound education for the working classes of this country.

Mr. Birley

LORD ROBERT MONTAGU said, that he felt he occupied an awkward position, because he agreed with nobody in the House upon this question. He declared his affection for the system of education which existed in 1870, when his right hon. Friend (Mr. W. E. Forster) introduced his measure, for at that time the progress in education was slow and sure, but now it was rapid and unsafe. Until the moment when the hon. Member opposite (Mr. Ridley) rose to speak upon this Bill it seemed as if the Government intended it to be a serious measure of legislation; but that impression was removed when he heard the hon. Member, who was an ardent supporter of the Government, say that the Amendment of the hon. Member (Mr. Mundella) was one which ought to be introduced into the Bill. ["No, no!"] The hon. Member was not present, but he had certainly said something to that effect. Three defects were alleged against the Act of 1870. In the first place, it was said that the machinery which it rendered necessary was terribly costly; secondly, it was said that the education given in board schools was not as good as that afforded in elementary schools; and, in the third place, it was alleged that, though the education given in the board schools was not religious, those schools were, by the very fact of their existence, killing off the denominational schools. With regard to the first alleged defect, they found that under the school board system the average cost per child educated, for purchase of sites and building schools, was £11 6s., while in 1867-8, when he was Vice President of the Council, it did not amount to more than £5 per child, or £5 10s. in some exceptional cases. This was a vast expense, from which the ratepayers must inevitably recoil. He found that the charges for the cost of schooling the children in board schools, which might be described as the current expenses of the schools, was, in the case of the London School Board, £2 12s. per child. Canon Gregory, who had written a pamphlet on the subject, came to the conclusion that while the cost per child was £1 9s. 3d. in voluntary schools, it amounted to £2 9s. 10d. in board schools. In voluntary schools the expense amounted to £1 9s. per head, whereas in school board schools it amounted to £2 9s., the additional expense having, of course, to be

found out of the rate. Was it, then, any cause for surprise that school boards had become unpopular? He found that of 14,082 civil parishes, only 1,479 had adopted school boards to the number of 1,100; while in the boroughs, excluding London, out of 224, 113 had adopted them. He further found that out of the 1,213 school boards 523 had no board schools, leaving 690 as the number having them. Then as regarded compulsion, the proportion of the school boards which had adopted the compulsory system was, again excluding London, in boroughs 96 to 113, and in parishes 316 to 1,479, another proof—if one were required—that the school boards were not popular, and more especially as to the system of compulsory attendance. Then, again, he would take the test of the Government grant. In the case of Nonconformist schools it amounted to 13s. 0½d. The Roman Catholic came next, amounting as it did to 12s. 10¾d. Next in order came the Church of England, which amounted to 12s. 8½d., while that to the school boards was 11s. 5½d. Then as to the religious teaching in the school boards. He knew that there was religious teaching in some of them; but the testimony of Bishop Ryan, the Vicar of Bradford, and as a member of a school board, was that his experience led him to the conviction that in board schools efficient religious instruction could not be given. But then the board schools had only, with a view to support themselves, to put their hands in the bag which was filled by the ratepayers, and it stood to reason that, with such an advantage, they must in time supersede the denominational schools. There were many cases in which Town Councils had to pay for the education of children who were in receipt of out-door relief, and those children were sent to denominational schools—in almost all cases Church of England schools. Again, Boards of Guardians might pay the fees of the children of "poor persons," and in spite of what had been said to the contrary he was of opinion that boards consisting of all the Justices of the Peace of the district and whose other members were elected according to a property qualification, would necessarily be influenced more or less by the interests and the prejudices of the class which had put them in office. He was glad to know that in the case of industrial schools

children were sent to schools of the denomination to which they belonged, although he feared that if the principle were to be carried to its legitimate result great expense must be incurred in the building of industrial schools, as under the present state of things a child had sometimes to be sent to a school 100 miles off. The Home Secretary, in a letter read at the Sheffield School Board, stated that the introduction of short periods of detention would necessitate the establishment of special schools, as the bringing together of the two classes of children would be prejudicial to the discipline of the school. He added that the local authority must be prepared to contribute a large share of the expense of these industrial schools. There were to be two kinds of compulsion under the Bill, the one direct and the other indirect. There was to be a certificate of stupidity, and the parson of the parish would be the person who would usually be called upon to give it. One of the clauses of the Bill would prevent a child under 10, or in other cases under 14, from helping his father at his trade. Nor would a child be allowed to do a little sewing in the evening. Was that just? With regard to direct compulsion the locality might improve it if it chose, but was it likely to do so? Only 316 school boards throughout the rural parishes of England had adopted compulsion. He did not believe it would become more general under the Bill, for neither the farmers nor the Guardians desired it. If they adopted it would it be enforced? The Bill said the school authorities might do this if they thought fit, and might do that if they thought proper. This was permissive legislation run mad. What was the use of saying they might enforce compulsion if they thought fit, when the House knew they would not think it fit? If the Town Councils and the Boards of Guardians did not do their duty, the noble Lord took power to suspend them. But did the noble Lord believe that he would ever suspend a whole Board of Guardians or a Town Council and put others in their places? If he did put others in their places, they would do just the same. If, in fact, these bodies put compulsion in force, they would be doing a great injustice. He knew a town where there were several schools. One was a Roman Ca-

tholic school, attended by about 60 poor children. The Government had now brought in a Bill to make compulsion easy, and the result would probably be that all the children would be compelled to go to one of the Church of England schools. He would ask anyone whether that was just? No Irish Members, at least, would dare to vote for a Bill that would compel 60 Roman Catholic children to go to a Church of England school. He trusted that the House would not permit a measure that would perpetuate an injustice of this kind to become law. Take the case of a farm labourer, who was disabled by an accident, and unable to work. He could not afford to pay the 2*d.* a-week, and kept his children from school. The school officer would thereupon come to his house and insist on the children going to school, or, if not, the father would have to pay 5*s.* a-week for each instead of 2*d.* Or the labourer might say to his children—"You must do a little work to enable us to get food." Thereupon in came the officer and fined him 40*s.* for each child who had been allowed to work when the father had met with an accident. Was that just? He warned the Government that by this legislation they were meddling with the labour question, which was becoming a very serious one, both in this country and on the Continent. It might be all very well to smile at the mention of the name of Mr. Arch, but behind him there were thousands who would not be put down. The Bill would interfere with the labour of the very class to whom the House had refused to give votes. This in itself was not wise; and the time would come when they would spurn this legislation and would be tempted to spurn legislation of a more serious character. As to the religious question, it was clear that the board schools were not religious schools; and, in fact, the right hon. Gentleman (Mr. Lowe), in speaking about payment by results, claimed for the system as a merit that it would secularize education, and said that he desired to go further in that direction. To parody the poet—

"The force of pathos could no further go.

Though urged by Dixon and maintained by Lowe."

As to the relief afforded by the Bill to voluntary schools, the total amount of the deductions from the grants which

Lord Robert Montagu

by Section 13 of the Bill were not to be made any longer would amount to £28,142, so that only 1-34th of the grant would be added to some Roman Catholic schools, 1-40th to Church schools, 1-54th to Nonconformist schools, and 1-130th to board schools; but if all the 750 poor children now at large were compelled to attend, and paid their fees at the rate of 2*d.* they would amount to £6,250. That proceeding he objected to because it would simply relieve the rates. It was not the poor place but the poor school that required help; and there was many a poor school in a rich place. As cumulative voting did not exist in the election of Guardians, they were mostly members of the Church of England, and a local committee they would appoint would usually consist of the parson and his two churchwardens, who would compel Dissenters and Roman Catholics to send their children to a Church of England school and to pay its fees. That would be sufficient to raise a sectarian agitation throughout the country that would not die out until it had put an end to religious education in England, which would inflict great injury not only on the working man, but a still greater one in a religious point of view. The only way in which the Bill would supply the defects of past legislation was that it would prevent other school boards being established and necessitate legislation for getting rid of those which exist. No Nonconformist, and certainly no Irish Member, ought to vote for the second reading.

MR. PELL said, he was entirely at a loss to understand what particular system of education the noble Lord who had just sat down would advocate. His speech reminded him of a remark he once heard a right hon. Gentleman address to the Conservative Members, when in Opposition, on the occasion of the Irish Church Bill. He compared the Opposition to oxen, who, being in the enjoyment of a fine fat pasture, hunted about to find a corner of the field in which there was a crop of nettles or thistles in which they might get their noses stung. He thought even on that—the Conservative—side of the House the Bill had not been received with that hearty approval which it deserved. It required that the parent should send his child to school from the age of 5 to 10 with something like regularity, so

as to ensure his attendance for 250 days in the year; and if the required attendances had not taken place the parent might be then required to send the child to school until he attained the age of 14. No new educational local authority was to be brought into existence. The powers of the Bill were to be entrusted to an old local authority, the guardians of the poor, whose duty it would be to enforce its provisions; and, finally, if the local authorities were in default the Education Department would have the power to supersede them. Those were very important, and at the same time simple and intelligible, provisions, and went a considerable length in the direction of compulsion. The question they had to ask themselves now was whether the country was prepared to submit to more than was proposed by the Bill. He thought not, and further, that nothing could be more injurious than an attempt to thrust on the country a code of laws which the people did not approve and were not prepared to respect or enforce. In his opinion, the Bill went as far as the country was willing to go. If any alteration was made in it, he would desire some little change in the exceptions. These, in the form he found them in the Bill, might afford a loop-hole through which parents might escape from the legal obligations intended to be imposed on them. But that point would be considered in Committee. He hoped the Government would adhere to the Bill as closely as they could, for it had been drawn by a master-hand with great care and apparently without sectarian views, either to advance the cause of the Church or Dissent.

MR. DIXON understood his right hon. Friend the Member for the University of Edinburgh (Mr. Lyon Playfair) to say that if the Government could see their way to accept the Amendment of his right hon. Friend the Member for Bradford (Mr. W. E. Forster), both those right hon. Gentlemen would be prepared to support the Bill; but the House would not be surprised when he stated that he should not be prepared to support the Bill even if that Amendment were accepted by the Government. He said more, even if the Amendment of the hon. Member for Sheffield (Mr. Mundella) were accepted by the Government, it would not entirely remove his objections to the Bill. Without troubling the

House with any argument at present, he would very briefly state the changes he should like to see made in the Bill. He should like Clause 13 to be omitted entirely from the Bill. That clause proposed to increase, under certain circumstances, grants to poor schools or schools in poor districts. Although he knew something about school matters and had been accustomed to study the clauses of Education Bills, he had not been able to make out what was the meaning of this clause. He could not understand what would be the effect of it, because, according to his reading of the clause, Birmingham would be proclaimed a poor district. He could not think for a moment that was really the intention of the Government. It might be that the clause had been drawn up in such a manner as not to represent their intention. He presumed it was the intention of the Government to afford some assistance to what was ordinarily understood by the words poor or struggling denominational schools. He thought schools of that description ought to be handed over by some means or other to the local authorities, who would be able to supply any deficiency in their means out of public funds and to give public management and control. There were two other points in which he wished changes to be made which he thought important. One was with reference to direct compulsion, and the other with reference to the powers to be given under this Bill to the local authorities who were charged with the carrying out of compulsion. Whilst he did not wish to raise any objection to the provisions of the Bill with reference to indirect compulsion, he must say that, in his opinion, those provisions were of the most severe and stringent character, so severe and so stringent that, if they stood alone, he for one, much as he was in favour of compulsion, and greatly as he desired the education of the people, should hesitate before he gave his vote for the Bill. What was required, and what would, in fact, take away almost entirely the stringency of the indirect compulsion clauses, would be a satisfactory provision for direct compulsion, because, if a direct compulsory law worked satisfactorily, then indirect compulsion almost ceased to be necessary. He believed, however, that the direct compulsory clause of the Bill was extremely roundabout, and would be very imper-

fect in its operation. He doubted whether the House fully comprehended what its effect would be. They were to be launched in a course the effect of which they could not anticipate, because they had had no experience of it; and they were asked to leave a channel which they knew, and of the success of which they had had experience. It would be much better if, having fixed upon the local authority, they were to say simply that they would give to that authority the power of enacting bye-laws which was given by the Act of 1870; but with this difference that they would make it obligatory upon all local authorities—whether school boards, Town Councils, or Boards of Guardians—to make and enforce compulsory bye-laws. In his opinion, compulsory bye-laws so framed would be much better adapted for the purpose they had in view than the first section of Clause 7. They had often been told that the circumstances of different parts of the country varied considerably, and that it was difficult to make a law which should apply with equal force and justice in every district, and they had been told, moreover, that they in that House were not thoroughly acquainted with the circumstances of every district. If, therefore, they left the formation and carrying out of the bye-laws to the various districts, he was inclined to believe that compulsory laws so framed would be more perfect and more effective than anything that could be done under the first section of Clause 7. He had always been considered to be the advocate of school boards, and when on three several occasions he had brought forward an Elementary Education Bill he had been met with the objection almost universally from the other side of the House, not that his Bill was a measure for direct compulsion, but that it was a Bill for the establishment of universal school boards. He assured the House that he was willing now to support the Government in the establishment of a different machinery—that was to say, a machinery of Boards of Guardians and Town Councils for carrying out compulsion. He must, however, remind the House that he did not think this machinery was as good as the machinery of the Act of 1870, and he had stated on various occasions his reasons for entertaining that opinion. Boards of Guardians, though nominally

popular assemblies, were not really elected by the parents of the children who would be sent to the schools. With a strong compulsory education law they ought to have a popular representative body to enforce it, and that body should be representative, not of the clergy, not of the landowner, not of the farmer merely, but also of the parents of the children themselves. That objection to Boards of Guardians, which to his mind was a very strong one, he, however, got over by looking forward to a very great improvement in our system of local self-government; to a local authority—probably the Board of Guardians—elected by the same constituency as the Town Councillors in the large towns. In his opinion, it was essential, if this Act were to work well in the rural districts and to be satisfactory to the country generally, that, having fixed upon their local authority, the Government being satisfied with it and the country party having accepted it, they should give to it the full powers of the school boards. He had noticed all through the discussions upon this interesting question that the objections to school boards had been of such a character as would not apply to Boards of Guardians and Town Councils; and, therefore, he saw no reason why Gentlemen opposite should not be perfectly willing to confer upon the local authority of their choice the powers of school boards. If that were done, he should regard the proposition of the Government as statesmanlike, and would give it his support. He very much doubted the possibility of passing this Session the Bill as it stood; but, assuming that it was carried, it would not satisfy a very important section of the country—namely, the Nonconformists. The noble Lord the Member for Westmeath (Lord Robert Montagu) had in very forcible language explained what the feeling of the Roman Catholics would be if the measure were carried in its present form. The Roman Catholics would have no protection for their children against being driven into Church schools. The Nonconformists complained of the same grievance; and since the Bill had been introduced the most important of the Dissenting denominations had met to protest against the grant of compulsory powers which might be used to compel their children to attend Church schools. He was not surprised at their having raised this protest.

There was no protection granted to them by the Bill, and that being the case, they were not satisfied. One result of passing the Bill in its present form would be to create a great deal of ill-feeling throughout the rural districts, and there would be a revival of hostility to the Church of England which might accelerate its downfall. The other result which might follow was that the Nonconformists, being the most numerous and the most active section of the Liberal Party, would insist, when a new Liberal Administration came into office, upon the abrogation of the obnoxious clauses. But they would not in that case be satisfied with the mere repeal of these clauses. They would insist, not only on the universal establishment of school boards, but on the establishment of an unsectarian school in every district. It was for Gentlemen on the opposite side of the House to say whether these were results which they would desire to produce. For his own part, he should, for the reasons he had given, oppose the Bill.

MR. A. MILLS said, he was not at all alarmed at the consequences foreshadowed by the hon. Gentleman (Mr. Dixon) if Parliament adopted this Bill. He did not understand what the hon. Member meant by unsectarian education; but he believed the feeling of the country would have supported the Government if it had recognized distinctly in this Bill the duty of Christian education. However, as a member of the London School Board, he wished to make some remarks, as that body had been greatly abused in this debate. He did not need to be told that it was very unpopular, and he would not discuss whether it deserved to be so or not. One reason, no doubt, was its alleged extravagance. But, practically, its unpopularity rested upon its having enforced the compulsory bye-laws which it had adopted. The Bill before them recognised not only indirect, but direct compulsion; and the question was, how far, by whom, and how it should be carried out? The London School Board had been in existence nearly six years—and he had been a member of it nearly three years. Its expenditure on enforcing compulsion was no doubt great—£29,000 a-year; and at the present moment the average attendance of children, notwithstanding the application of compulsory bye-laws, had

not increased in proportion to the numbers on the rolls beyond what it was three years ago. They had no doubt brought a larger number of children, not only into the board schools, but into the denominational ones; but they were not in a position to put the London School Board before the country as a model of success in the matter of compulsion. At this very moment he was summoned to attend a committee of the whole Board to consider and revise their compulsory bye-laws, and it certainly appeared to him that the effect produced by these bye-laws had not been what might have been expected from them considering the expenditure they involved. In view of that state of things, would it be wise to invite the country to adopt, he would not say a system of universal school boards, but school boards carrying on the compulsory system in a manner precisely analogous to that of London? The right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair) had said that by imposing parental responsibility upon the people they would settle the education question; but that really was a problem they had not yet solved, and could not solve. A little practical experience was worth a great deal of theory; and in presiding over one of the Committees—the Committee which was trying to carry out the compulsory bye-laws—he had never had a task more difficult to discharge in a manner satisfactory to himself. Everyone knew the difficulty. It was not a question of fees, or the pennies and twopences which parents had to pay, but it was whether, in order to carry out strictly what the law ordered and decreed, that the child of very poor parents should be educated, they would go the length of breaking up the homes of such persons, by taking from them the 3s. or 4s. a week which their children might earn or might save by “minding the baby” while the mother was engaged in some productive labour. If this system of compulsion throughout the country was made universal and without exception, it would greatly increase the burdens of the ratepayers and bear heavily upon many poor families, and would end by making national elementary education generally unpopular. That would be a most unfortunate mistake. He had

some experience in the London School Board, and that had shown him that in most large towns they could not get on without compulsion. In London they might as well throw their money into the sea as try to do without compulsion, but he did not think that that applied to small towns and rural districts. Objection had been made to entrusting Boards of Guardians with the duty of carrying out the law where there was no school board; but he doubted whether, on the whole, the Government could have found any existing body better qualified to carry out tentatively the experiment which was proposed by this Bill. It was a case in which they must begin by degrees, and he repeated that he thought a good selection had been made. With respect to the Bill, as a whole, he would not deny that there were portions of it which he would like to see altered, and in Committee probably it might be considered; but he hoped the Session would not close without its principal clauses being agreed to, and the work of education in the rural districts, small towns, and remote districts thereby greatly promoted.

MR. WALTER said, he had hoped they might have been allowed to discuss this important measure without feeling as if they were sitting under the shadow of Disestablishment. He had hoped that, had not the hon. Member for Birmingham (Mr. Dixon) introduced the religious element into the question, they might have altogether passed it over. But as the hon. Member had referred to a document which most of them had, no doubt, received—a sort of remonstrance drawn up by the Nonconformist body against this Bill—he must be allowed to say that he had read that document with very great surprise and very great regret; and he almost wondered how those respectable gentlemen could have the conscience to put their hands to it. What was it they really expected them to do? Had they not been as active as others in pressing for compulsion, and were we now to be told that, having arrived at the point of making compulsion universally applicable, it should not be applied—that they would offer it all the opposition in their power, and subvert the whole existing system with the view of introducing something new and untried? He feared they were utterly irreconcilable; but he could only say,

Mr. A. Mills

however intolerant they were of Churchmen in this matter, he had never felt the same intolerance in dealing with Nonconformists. He must say he wished, while they were so ready to discover points of difference when it was a question of sending children to school, they would be a little more consistent when they asked, as they usually did, for assistance to help to build their own schools. He would read to the House a short note which he received some time ago from a Wesleyan minister in answer to a letter on the occasion of applying for a subscription, because it was a fair illustration of the sort of feeling which Nonconformists in general entertained on the subject—a feeling which was natural, and which he did not in the least object to. He was asked for a subscription to a Wesleyan school in his own neighbourhood, and he gave it as a matter of course. He asked the minister to be so good as to inform him what was the principle on which the school was conducted, because he understood that Nonconformists in general professed something unsectarian and undenominational and liberal in their Church principles. In the reply the minister said—

“Allow me, in the name of the committee of the Wesleyan day school, to thank you for the cheque which you so kindly enclosed, and, in reply to your inquiries about the management of the school, to say it will still be conducted under the general direction of the Wesleyan Committee, sanctioned by the Lords of the Privy Council on Education. It will be supported by voluntary contributions, and partly by Government grant, with instruction given by the teacher, and an occasional address by myself, without interfering with the time for secular instruction.”

The Conscience Clause, he added, was strictly followed, and the instruction embraced Bible lessons and the Wesleyan catechism. “Beyond this there was nothing distinctly denominational, except the name of the school.” Now, he would venture to say, from his knowledge of Church of England schools, that this was precisely the description which he would give, as a Churchman, of the management and the character of the religious instruction adopted in these schools. He might mention the case of a small town near which he lived. There were three schools in the town; there was one under his own management, one a National school, and the other a

British and Foreign school. They were all excellent schools. There was no dispute between the managers of these schools and the parents. Not long ago a poor woman, who was a Nonconformist, complained that her child, who was sent to the National school, was obliged to learn certain hymns to which she objected. She had remonstrated with the clergyman, who refused to allow the child to receive any religious instruction without learning these hymns. But the mother did not on this account send her child to the British and Foreign school. She sent her child to the other Church of England school, and the clergyman there very properly allowed the child to receive religious instruction without learning the hymns, and the child thus received religious instruction suitable to his age without being sent to the Nonconformist school. One practical illustration was worth 50 arguments, and he mentioned this case to show that there was really no religious difficulty. These remonstrances were got up for Party and political purposes. And unless you were prepared to disestablish the whole of the 10,000 or 15,000 Church of England schools in this country, making them purely secular schools, he did not see how they could deal with people who were so unreasonable. Strictly speaking we had no denominational schools, because the timetable clause, which was insisted upon by the Nonconformists as the only conscience clause which would afford them the protection they required, really converted every school after a certain hour in the day into a purely undenominational and secular school. Dismissing the religious question, he came now to the Amendment of the hon. Member for Sheffield (Mr. Mundella). The Prime Minister the other day stated that this House was remarkable among other things for a dislike of logical legislation. The Bill now before the House, and the way in which it had been met, was a fair illustration of that truth, for truth it undoubtedly was. The hon. Member (Mr. Mundella) met the Bill, not by a direct negative like that of which the hon. Baronet (Sir Charles Dilke) had given Notice, but by saying that it was desirable to import something into it which he did not explain, referring the House, instead to a Report which no Member was bound to go into the Library and read,

not increased in proportion to the numbers on the rolls beyond what it was three years ago. They had no doubt brought a larger number of children, not only into the board schools, but into the denominational ones; but they were not in a position to put the London School Board before the country as a model of success in the matter of compulsion. At this very moment he was summoned to attend a committee of the whole Board to consider and revise their compulsory bye-laws, and it certainly appeared to him that the effect produced by these bye-laws had not been what might have been expected from them considering the expenditure they involved. In view of that state of things, would it be wise to invite the country to adopt, he would not say a system of universal school boards, but school boards carrying on the compulsory system in a manner precisely analogous to that of London? The right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair) had said that by imposing parental responsibility upon the people they would settle the education question; but that really was a problem they had not yet solved, and could not solve. A little practical experience was worth a great deal of theory; and in presiding over one of the Committees—the Committee which was trying to carry out the compulsory bye-laws—he had never had a task more difficult to discharge in a manner satisfactory to himself. Everyone knew the difficulty. It was not a question of fees, or the pennies and twopences which parents had to pay, but it was whether, in order to carry out strictly what the law ordered and decreed, that the child of very poor parents should be educated, they would go the length of breaking up the homes of such persons, by taking from them the 3s. or 4s. a week which their children might earn or might save by “minding the baby” while the mother was engaged in some productive labour. If this system of compulsion throughout the country was made universal and without exception, it would greatly increase the burdens of the ratepayers and bear heavily upon many poor families, and would end by making national elementary education generally unpopular. That would be a most unfortunate mistake. He had

some experience in the London School Board, and that had shown him that in most large towns they could not get on without compulsion. In London they might as well throw their money into the sea as try to do without compulsion, but he did not think that that applied to small towns and rural districts. Objection had been made to entrusting Boards of Guardians with the duty of carrying out the law where there was no school board; but he doubted whether, on the whole, the Government could have found any existing body better qualified to carry out tentatively the experiment which was proposed by this Bill. It was a case in which they must begin by degrees, and he repeated that he thought a good selection had been made. With respect to the Bill, as a whole, he would not deny that there were portions of it which he would like to see altered, and in Committee probably it might be considered; but he hoped the Session would not close without its principal clauses being agreed to, and the work of education in the rural districts, small towns, and remote districts thereby greatly promoted.

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Mr. A. Mills

the measure, on which they were all substantially agreed, or in offering any serious opposition to the Bill going into Committee.

MR. MARK STEWART said, that a great deal had been said about Scotland, and it seemed to be the opinion of some hon. Gentlemen on the Opposition side of the House that because they had school boards in Scotland they ought to be satisfied. He could not say from his experience—which was somewhat extensive, as he was connected with different parts of the country, and had been chairman of a large country school board for three years, and had lately been re-elected—that all what was expected of these school boards had been fulfilled. There was a great deal of trouble, turmoil, and confusion in the election of the members of the boards, and a great deal of unnecessary expense in the machinery employed. ["No."] The hon. Gentleman might say "No, no;" but he thought in his part of the country that he had as much experience as anyone else in the matter, and if he had time he could bring forward facts in the case to satisfy hon. Members. From his own experience, the men who were appointed on the school boards came from all parts of the country, were not always elected on account of their previous knowledge of education, and of some it had been said, they could hardly write their own names. He alluded to this as showing that though it was not the rule, many were elected who could scarcely be considered fit persons to be entrusted with the care of the education of the people. As regarded himself, he in his official capacity had been fortunately circumstanced, but numerous complaints of the system had been made in all parts of Scotland, and he could not say that school boards had given such universal satisfaction in that country as hon. Gentlemen opposite seemed to imagine. There was a difficulty in getting good men to act on the boards, but a still greater difficulty in getting good men to take any interest in matters of education. "What was everybody's business was nobody's business," and the result of the school board system was, that the education in Scotland was not as sound as it was, neither in developing the higher branches, nor from a religious point of view. It was true that in Scotland there was a general feeling

that compulsory attendance ought to be strictly enforced. It had been said—"If it can be enforced in Scotland, why could it not be enforced in England?" But it should be remembered that for the last 300 years—since 1494—compulsion had existed in Scotland, and it was therefore no new thing in that country, not that he implied by that statement that it had been the rule, for the Act passed by the Estates in 1494 confined compulsory education to one class—that was, the nobles—and it had long been obsolete; but there could be no doubt that, whether engendered by the spirit of that old Act or not, there was a strong feeling in the minds of the people of Scotland before the Act of 1872 was passed, that education ought to be made compulsory, so the Government of the day had experienced no difficulty in insisting on the principle of compulsion. While expressing his general concurrence with the present Bill, his chief object in rising to address the House was to express his sincere regret that it contained no clause with regard to religious education. He was certain there would be no difficulty in carrying it out if it were passed. The Bible ought to be read in every school that received money or aid from Parliament, and if it was kept back it would be denying to the agricultural labourer that which would not only teach him to elect his legislators, but which would teach him to live so that he need not fear to die. It was not the working man either of Scotland or of England who objected to the Bible, and he held that unless they inserted a clause in the measure on the subject of religious education they should not be faithful to their trust as Members of Parliament. The only objectors to the proposal would be the members of that party in the House known as the Birmingham School. Hon. Members ought, in his opinion, to be very thankful to the hon. Member for Berkshire (Mr. Walter), for having in so straightforward and so truthful a manner answered the Nonconformist memorandum which had been referred to. He (Mr. Stewart) was not advocating denominational teaching—little children did not trouble themselves about doctrine; but they should be taught their duty to God and man, on which surely they were all agreed. He trusted there would be no strife or angry feeling

and which 500 Members certainly would not read. If the hon. Gentleman specified the recommendations of the Report which he desired to incorporate in the Bill they might then be considered in Committee; but the House could not with propriety be asked now to pledge itself to recommendations which were not so specified. In the Report a whole string of measures were recommended for the compulsory education of factory children; but though these measures might be expedient for the particular purpose for which they were recommended, it did not follow that they should be imported into a Bill of this kind. It was an illogical way of meeting the Bill; and he could not help referring to what seemed a growing evil—the custom of meeting the second reading of Bills by abstract or semi-abstract Resolutions, instead of by direct negatives, which enabled one to say “Aye” or “No” on the question. It was an ingenious way of catching votes, for if Members opposed the Amendment it might be said that they objected to the recommendations of the Commissioners. Now, he did not object to those recommendations, but he did object to the attempt to foist them into the Bill in this way. As to the question at issue between the hon. Gentleman (Mr. Mundella) and the Vice President of the Council, it appeared to be very much a question of words. He could not help feeling that the noble Lord had been rather unjust, not only to children and parents, but also to himself in the particular form in which the measure was framed. Undoubtedly if sub-section 1 of Clause 7 were carried out in his parish he should make it a direct mode of compulsion. The question of direct or indirect compulsion was very much a question of words. In the one case you said—“You shall do this or that.” In the other case the parent was told—“Your child shall not earn sixpence a week till it goes to school.” Clause 7 did more than this, because it empowered the local authority, if it pleased, to send the child off to school. At the same time, he should have been better pleased if there had not been this apparent concession to the feelings of unwilling parents, and if a more direct mode of dealing with the subject had been adopted. He did not approve the system of waiting for parishioners

to apply to Boards of Guardians in order to exercise the powers given to them under the Bill. The children meanwhile were much in the position of the children in the parable, who sat in the marketplace and complained that while they piped their companions would not dance. So might our children say—“We have compelled you to build schools for us, but you don’t compel us to go into them.” The ratepayers had a right to complain that they were taxed for this purpose, whether they liked it or not, while parents were allowed to send their children or not, as they pleased, into the schools thus compulsorily built. From his experience as a county magistrate, he was bound to say that he did not find the great difficulty which was sometimes supposed to exist among parents about sending their children to school. The greater difficulty was in securing regular attendance on account of the many temptations to children to stay away. Much firmness on this point was required on the part of the schoolmaster and the managers; and, indeed, the great desideratum just now was strict supervision by managers and thoroughly efficient schoolmasters and schoolmistresses. As to the body to which these functions were to be delegated in rural districts, the Board of Guardians seemed to be the only authority which was really available. The hon. Member for Sheffield said that the county magistrates did not care for education, which he believed to be a very unjust imputation upon them; but if you had an election in rural districts the very people elected to act in this capacity would probably be the working committees of the schools, including the parson, the squire, and one or two other gentlemen. It was to be regretted that the Bill did not provide for securing the services of ladies who took an interest in carrying on schools, because, as far as he was aware, ladies were not eligible as members of Boards of Guardians. [“Yes.”] At all events, it was not the practice to elect them in that part of the country with which he was best acquainted. If his hon. Friend the Member for Sheffield or any other Member had Amendments to move which would remove defects from the Bill, he would do well to bring them forward subsequently; but he hoped that much more time would not be consumed in discussing the principles of

Gentleman who has just sat down; but I should have supposed, had I not heard otherwise from such high authority, that the course taken this evening by the Government is somewhat unusual. A course somewhat similar to this was taken some few nights ago on the occasion of the discussion on the second reading of the University of Oxford Bill, and although on that occasion a statement was made by a right hon. Gentleman on the Treasury Bench, no right hon. Gentleman afterwards thought it necessary to rise and answer the arguments addressed to the Government from both sides of the House. Now, it is somewhat singular that very nearly the same reason was discovered by the Government on that occasion for the course they took as that of to-night. When the Adjournment of the Debate was moved the Chancellor of the Exchequer stated that no Member of the Government had risen to answer the speech of my right hon. Friend the Member for the University of London (Mr. Lowe) because, in the opinion of the Government, the right hon. Gentleman had answered himself. Now the right hon. Gentleman (Mr. Disraeli) has borrowed, which is not his usual custom, and which I was rather surprised to hear him do, the argument of his right hon. Friend the Chancellor of the Exchequer in saying that it was not necessary to answer the arguments which were advanced on this side because several of the speeches answered themselves. Well, Sir, that is a matter of opinion. No doubt it is extremely satisfactory to the Government that the debate should be so conducted that we should either answer ourselves, or one another; but it might perhaps have been more advisable if some Member of the Government had taken the trouble to point out in what respect we have answered ourselves or answered each other. But I am not disposed to take so serious a view of the conduct of the Government as my hon. Friend the Member for Hackney. If they think this a fitting way of conducting a debate, I am sure I am not desirous of contradicting that opinion. I can only assume that this is a subject of great importance, and that they are not anxious that it should be brought with undue haste to a conclusion, and that we ought—all of us—to express our opinions in the course

of a debate from which they admit they are gaining very much instruction as to the mode in which they should treat the Bill. I presume that after the debate has been conducted for a few hours more they will be able to form an opinion on the measure, and that some right hon. Gentleman sitting upon those benches will be prepared to rise and give expression to that opinion. The only conclusion I can draw at present from the silence of the Government is that they think this debate well worthy of long and protracted discussion, and that if they think it proper to pursue the same tactics as they have done to-night on another evening, they will consent to yet another adjournment to another evening.

Question put, and agreed to.

Debate adjourned till Monday next.

CUSTOMS LAWS CONSOLIDATION BILL.

(Mr. Raikes, Mr. William Henry Smith,
Mr. Chancellor of the Exchequer.)

[BILL 154.] SECOND READING.

Order for Second Reading read.

MR. W. H. SMITH, in moving that the Bill be now read a second time, said, its main object was to consolidate the existing Customs laws, the sole alterations in those laws being in the direction of reducing the penalties now in force in respect of infractions of the Customs laws. He did not intend then to go through the provisions of the Bill, which consisted of 287 clauses; but if the House would consent to read the Bill a second time on the present occasion, he would undertake that hon. Members should have ample opportunity for considering the measure before going into Committee upon it.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. W. H. Smith.)

Motion agreed to.

Bill read a second time, and committed for Thursday 29th June.

LOCAL LIGHT DUES (REDUCTION)

BILL.—[BILL 173.]

(Mr. Sykes, Mr. Norwood, Mr. Wilson.)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(Mr. Sykes.)

upon what every right-thinking person must agree in heart, for if religion was to be taught it should be well taught. It should be put on the same footing with other branches of education. It could be easily taught, few failures would take place, and good payment would follow. At that late hour he would not further detain the House.

MR. KAY-SHUTTLEWORTH moved the Adjournment of the Debate.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(*Mr. Kay-Shuttleworth.*)

MR. FAWCETT wished before the Question was put, to complain of the manner in which the debate been conducted on the part of the Government. He had been a Member of that House for over 10 years, and he believed it to be a thing absolutely without precedent that a Bill of such importance should have been discussed during an entire evening, and yet that no Minister should have condescended to reply to the remarkable speeches which had in more than one instance been made against it. For his own part, he begged to give Notice that if a similar course were adopted when the debate were resumed, and no Member of the Government rose until it was about to be wound up, he should move that it be again adjourned, in order that he might have an opportunity of replying to whatever the Government might have to urge against the objections taken to the Bill.

MR. DISRAELI: There is one speech from an hon. Gentleman opposite which will receive a reply to-night, and that is the speech of the hon. Gentleman who has just sat down. One more unauthorized or unfair I never heard. The hon. Gentleman referred to his Parliamentary experience—not of very great duration—and says there never was an instance known in which a debate was conducted as this has been to-night. I say, from my own experience, which is not inferior, I believe, to that of the hon. Gentleman, that with Bills of a similar character to this the same course is invariably taken. Why, the measure was introduced by one of the Ministers in a speech of considerable length, in which my noble Friend entered into all the principles and most of the details of the question, and we have naturally a wish to hear the opinion of both sides of the House.

Mr. Mark Stewart

That is invariably the custom under circumstances of this nature. We have not attempted to curtail the debate; we have thrown no obstacle in the way of its adjournment; and we shall be prepared at the proper time to take our part in the debate. The hon. Gentleman, who is always dictating to the Government how we are to conduct the Business of the House, gave a solemn warning of empty threats as to what he he will do unless we pursue a course which is agreeable to himself. He says we have not answered the speeches of several distinguished Members who have spoken. One reason why we have not done so is that some of those Gentlemen answered themselves. He says that the hon. Member for Sheffield (Mr. Mundella) ought to have been answered, and also the right hon. Member for Edinburgh University (Mr. Lyon Playfair). Any observations we may have to make upon their speeches will be made in due time. But the right hon. Member for Edinburgh University answered in a great degree the speech of the hon. Member for Sheffield. We have been listening critically to the remarks of hon. Gentlemen on both sides of the House on this great question of national education, and it is only by that attention that the Government can become acquainted with the feeling of the House. It is a very common complaint—one which is well founded, but one which is inevitable—that the opportunity is not given to many Members of this House who wish to address it of doing so. That is an inconvenience arising from the great interest now taken in Public Business, and the number of Members who wish to take part in it, and in an important question like this it seems to me that the House ought to have ample opportunity for discussing it. It has had to-night an opportunity of that kind. The debate will be continued, and I trust concluded, on Monday, and, unless the hon. Member who has just addressed us brings forward any very original views which may perplex the Government, we shall, in relation to the observations and suggestions which have been made, offer our opinions to the country and to you, Sir.

THE MARQUESS OF HARTINGTON: I do not pretend that my Parliamentary experience rivals that of the right hon.

Motion *agreed to*; House in Committee accordingly; Amendments made; The Report thereof to be received on *Monday* next; and Bill to be *printed* as amended. —(No. 123.)

THE NOBILITY OF MALTA.

QUESTION.

VISCOUNT SIDMOUTH asked the Secretary of State for the Colonies, Whether he is willing to produce the correspondence which has recently passed through the Colonial Office in reference to certain grievances complained of by the Nobility of Malta, more particularly a letter addressed to the Secretary of State by that body?

THE EARL OF CARNARVON, in reply, said, he would be very happy to give his noble Friend any extracts from the Correspondence to which he had alluded in his Question if he would move for it in the usual manner. He could not promise to produce all the Correspondence, but he would lay on the Table all that was material and that could be given. He was not aware that his noble Friend wished for further Correspondence relating to the suggestions made for the better government of the Island. However, if his noble Friend would specify what he wished to have he would look into the Papers and produce all that he could.

VISCOUNT SIDMOUTH said, he had understood that some communications had been addressed by the Nobility of Malta to the noble Earl alleging certain complaints against what passed upon a recent occasion, and that there were other matters contained in the despatch which might be produced. He would be glad to have the Correspondence relating to all that had taken place.

THE EARL OF CARNARVON said, he would look through all the Papers at the Colonial Office, and would then tell his noble Friend what he could lay on the Table.

TRADE MARKS REGISTRATION AMENDMENT BILL [H.L.]

A Bill for the amendment of the Trade Marks Registration Act—Was *presented* by The LORD CHANCELLOR; read 1^a. (No. 121.)

GENERAL POLICE AND IMPROVEMENT (SCOTLAND) PROVISIONAL ORDER (LERWICK) BILL [H.L.]

A Bill to confirm a Provisional Order under "The General Police and Improvement (Scot-

land) Act, 1862," relating to the burgh of Lerwick—Was *presented* by The LORD STEWARD; read 1^a; and *referred* to the Examiners. (No. 122.)

House adjourned at Six o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 16th June, 1876.

MINUTES.]—SUPPLY—*considered in Committee*—NAVY ESTIMATES—ARMY PURCHASE ESTIMATE.

PUBLIC BILLS—*Second Reading*—Poor Law Rating (Ireland) [156].

Select Committee—Report—Waterford, New Ross, and Wexford Junction Railway (Sale). * *Committee—Notice to Quit* (Ireland) (*re-comm.*) * [160]—R.P.

Committee—Report—Statute Law Revision (Substituted Enactments) * [183].

Considered as amended—Army Corps Training [182]; Local Government Provisional Orders. Bristol, &c. (No. 6) * [147].

Third Reading—Prevention of Crimes Act Amendment * [153]; All Saints, Moss * [172]; Burghs (Scotland) Gas Supply * [175], and *passed*.

Withdrawn—Imprisonment for Debt Abolition * [33].

QUEENBOROUGH HARBOUR BILL.—(by Order.)

THIRD. READING.

Order for Third Reading read.

MR. PEMBERTON, in moving that the Bill be now read a third time, said, that its object was to authorize the Corporation of Queenborough to improve their harbour for the benefit not only of merchant ships, but also of ships of Her Majesty's Navy. It had received the sanction of the Board of Trade, which had inserted clauses to prevent the tolls from being applied to any other than shipping purposes, to provide for a regular account of the income and expenditure, and for the reduction of the tolls, if they should at any time exceed the requirements. He considered the opposition of the hon. Baronet the Member for Chelsea most unreasonable, when it was remembered it had passed through Committee, and had undergone the scrutiny of the Chairman of Ways and Means. His object was to prevent the improvement of the harbour, merely because the Commissioners appointed to

MR. GOURLEY objected to the consideration of so important a measure at so late an hour.

MR. JAMES opposed the Motion on the ground that the Bill would affect every port and harbour in the United Kingdom, and that no explanation had been given of the objects of the measure.

Question put.

The House divided:—Ayes 98; Noes 23: Majority 75.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

Bill considered in Committee.

(In the Committee.)

MR. DODDS said, that they had had no proper explanation of the Bill, and therefore he moved that the Chairman should report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Dodds.)

MR. SYKES explained that the Bill enabled the local authorities to reduce the local light duties, but only when they had the means of doing so, and almost every port in the Kingdom was in favour of that proposition. He was determined to go on with the Bill.

LORD ESLINGTON supported the Bill, believing that it was for the public benefit.

THE CHANCELLOR OF THE EXCHEQUER explained the objects of the Bill, and said they appeared to him reasonable.

Question put.

The Committee divided:—Ayes 10; Noes 96: Majority 86.

Bill reported, without Amendment; to be read the third time *To-morrow*.

PRISONS (IRELAND) BILL.

On Motion of Sir MICHAEL HICKS-BEACH, Bill to alter and amend the Law relating to Prisons in Ireland, ordered to be brought in by Sir MICHAEL HICKS-BEACH and Mr. SOLICITOR GENERAL for IRELAND.

Bill presented, and read the first time. [Bill 197.]

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, 16th June, 1876.

MINUTES.]—PUBLIC BILLS—*First Reading*—Trade Marks Registration Amendment* (121); General Police and Improvement (Scotland) Provisional Order (Lerwick)* (122), and referred to the Examiners.
Second Reading—Elementary Education Provisional Order Confirmation (London)* (100); Elementary Education Provisional Orders Confirmation (Hailsham, &c.)* (101).
Committee—Ecclesiastical Offices and Fees (94-123.)
Report—Tramways Orders Confirmation (Bristol, &c.)* (60).

ECCLESIASTICAL OFFICES AND FEES BILL—(No. 94.)

(The Lord Archbishop of Canterbury.)

COMMITTEE.

Order of the Day for Committee read.

On Motion, That the House be put into a Committee on the said Bill,

EARL NELSON said, there was a point of some importance in regard to which there had been a difference of opinion in the Select Committee by which the Bill had been considered. The question on which the Committee were divided was whether all ecclesiastical fees should be paid into a central fund to be held by the Ecclesiastical Commission, or whether these fees should be placed under diocesan management. A number of witnesses examined before the Committee—including the Dean of Lichfield and Lord Alwyne Compton—thought that these fees should be managed by a Diocesan Board; and in his (Lord Nelson's) opinion the diocese was the natural integer from which Church work should be carried out. The Committee, however, were in favour of the central plan; but it would be a failure unless the central body was instructed as to the different fees levied in the different dioceses. In the Bill it was proposed that this information should be obtained by a cumbersome representative body called the Council of the Vicar General. He thought that it could be better obtained by means of a Royal Commission, or by Commissioners named in the Bill. He should be prepared to give Notice of Amendments to effect that object if he received any encouragement from the House.

Motion *agreed to*; House in Committee accordingly; Amendments made; The Report thereof to be received on *Monday* next; and Bill to be *printed* as amended. —(No. 123.)

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Order for Third Reading read.

MR. PEMBERTON, in moving that the Bill be now read a third time, said, that its object was to authorize the Corporation of Queenborough to improve their harbour for the benefit not only of merchant ships, but also of ships of Her Majesty's Navy. It had received the sanction of the Board of Trade, which had inserted clauses to prevent the tolls from being applied to any other than shipping purposes, to provide for a regular account of the income and expenditure, and for the reduction of the tolls, if they should at any time exceed the requirements. He considered the opposition of the hon. Baronet the Member for Chelsea most unreasonable, when it was remembered it had passed through Committee, and had undergone the scrutiny of the Chairman of Ways and Means. His object was to prevent the improvement of the harbour, merely because the Commissioners appointed to

inquire into the condition of Unreformed Corporations had not yet completed their inquiries. If the Bill passed it would not interfere with any alteration which the Royal Commission might propose should be made in the Corporation. With respect to the Memorial to which the Amendment of the hon. Member referred, it was merely a copy of the Memorial prepared as far back as the year 1839. The Corporation had replied to that Memorial, stating that it was devoid of a particle of truth. No doubt the Corporation was bankrupt 36 years ago, but its property had been sold under an Act authorizing them to dispose of it, and their only object was now to obtain powers to enable them to improve the harbour. The hon. Gentleman concluded by moving the third reading.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Mr. Pemberton.*)

SIR CHARLES W. DILKE, in moving an Amendment, said, that in 1836 the Corporation, which was still an unreformed one, consisted of a very small number of members, and in the year 1836 they possessed a revenue of £16,000 or £18,000 a-year. In 1839 they became bankrupt, and again in 1843. Their debts had never been fully paid, and they owed large sums at the present time. The Bill would enable them to impose taxes to a considerable amount, and in some cases would increase the tolls from 2s. to 8s. The inhabitants had no power in the election of the members of the Corporation. He considered several of the clauses of the Bill to be most objectionable, particularly that which extended the tolls to almost every saleable commodity brought into the town, and that which provided that no justice should be disqualified from acting on account of his being a member of the Corporation. The Commission referred to had only just commenced its inquiries, and had not yet had sufficient time to consider the provisions of the Bill, and under these circumstances he begged to move the Amendment of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "having regard to the fact that a Royal Commission has lately been appointed to investigate the affairs of Unreformed Corporations, it is not

desirable to proceed with a Bill conferring fresh borrowing and taxing powers upon a Corporation which has been bankrupt under circumstances disclosed in a Memorial ordered by the House of Commons to be printed 30th July 1875,"—(*Sir Charles W. Dilke,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GORST said, the question before the House was not that of the constitution of the Corporation, and whether it was bankrupt or not, but whether the harbour of Queenborough should be improved. The improvement proposed was necessary for the benefit not only of the borough, but of the surrounding country, especially in connection with the new route to Flushing, and if the opposition should prevail all improvements would be put an end to until the Commissioners should have presented their Report. It was most desirable that some authority should have the power of making the improvements required, and as there was no other existing body the Bill proposed to confer it on the Corporation. Every precaution had been taken to prevent abuses, and clauses for that purpose had been inserted by the Board of Trade. That Board decidedly approved of the Bill, and he hoped the House would not reject it.

GENERAL SIR GEORGE BALFOUR urged that the Bill ought not to pass until the Corporation of Queenborough had complied with the Order of the House calling upon it to furnish Returns and accounts. An examination of the abstract of the accounts of local taxation laid annually before Parliament would bring to light the fact that this place had never sent in their accounts to the Local Government Board, which had the responsible duty of making up the whole of the accounts of local taxation; and now, seeing the remarkable way that kind of taxation was increasing, it became a question of great importance to enforce the rendering of due accounts; and as that Bill gave great powers to a place to raise more taxes than hitherto, it was only just to refuse to use that power till the taxes hitherto raised had been accounted for. He also opposed the Bill because it gave rights to a little Corporation to put on additional taxes on our commercial and fishing vessels. These were already

Mr. Pemberton

sufficiently burdened. Moreover, the duties entrusted to the new Corporation of Queenborough were of a national character, and ought not to be given over to any other but a national body of officers, and not to a local corporation. Indeed, all taxes and charges now laid on our ships ought to be inquired into and removed, in order to enable them to compete with foreigners not so heavily taxed.

MR. RAIKES thought the hon. Baronet the Member for Chelsea was under a mistaken impression with regard to the Bill, and that it would be inconvenient to delay a private Bill because it related to an unreformed Corporation which might or might not satisfy the Commissioners. Great injustice might be done to any body in the position of the Corporation of Queenborough, if they were denied the exercise of powers which would be accorded to other bodies, merely because the Commissioners had not yet exercised their powers with regard to Unreformed Corporations. Whatever the Corporation might have done formerly had nothing to do with the question before the House. Great improvements were contemplated in the harbour for the purposes of a new Continental route, in connection with which Queenborough stood in a singular position, being near the greatest depôt of explosive materials, and being frequented by vessels containing materials of that description; and therefore it was considered necessary that the Corporation should have the power of making regulations for the safety of the passengers in the vessels employed on the new route. The Bill, therefore, had been introduced with the simple view of effecting certain improvements, and to provide for the strict application to shipping purposes, and to no other purposes, of the harbour dues. It did not touch any question relating to the solvency or insolvency of the Corporation or its rating powers; it only touched the Corporation as the harbour authority, connected with which they had to carry out certain improvements which the passing of the Bill would enable them to do; and a refusal to pass it would prevent them making any improvement at all. The Bill came before them as an unopposed Bill; and it would be most unusual if the House, at the last stage, were to throw it out.

MR. ASSHETON CROSS said, that when the matter came before him for consideration, he did not think it his duty to interfere. To his mind the fact that an inquiry was being made into the affairs of Unreformed Corporations furnished no reason why the public improvement contemplated by the Bill should not be proceeded with. It would be some time before that Commission made its Report, and during the interval public interests must suffer.

MR. KNATCHBULL-HUGESSEN said, the harbour required improvement, and as no other body had the power to do so but the Corporation of Queenborough, the matter should not be delayed because the conduct of the Corporation had been impugned in respect to other matters. The Bill had nothing to do with Unreformed Corporations, and he thought it was unprecedented that a private Bill, which had passed through all its stages unopposed, should be opposed on the third reading for such reasons.

MR. DILLWYN said, that his hon. Friend (Sir Charles Dilke) gave timely Notice that he should oppose the Bill on the third reading, if it went through Committee as an unopposed Bill.

Question put.

The House *divided*:—Ayes 143; Noes 84: Majority 59.

Main Question put, and *agreed to*.

Bill read the third time, and *passed*.

ARMY—CAPTAIN ROBERTS, 94TH REGIMENT.—QUESTION.

MR. E. JENKINS asked the Secretary of State for War, Whether it is true that Captain Roberts, 94th Regiment, has been in arrest for more than a month at Newry Barracks without being brought to a Court martial; whether such arrest was not in consequence of a communication made to the Horse Guards by three Members of this House; whether the matter has ever been brought to the personal notice of His Royal Highness Commanding in Chief; and, what is the cause of the delay in bringing Captain Roberts to trial?

MR. GATHORNE HARDY: Sir, I must answer the first part of the Question in the affirmative. It is true that

is made where there are school boards, even if they have no board schools, for the refusal by the Department of an annual grant to a school, if the Education Department considers such school unnecessary; and in the Scotch Code a like provision is made respecting all cases. As far as principle goes, there can be no distinction between these cases and one like that of Keynsham. As the hon. Gentleman, however, has raised a doubt as to the power of the Department to act as they have done, we shall be most happy to refer the matter to the Law Officers of the Crown, and I will inform him of the result.

TURKEY—ASSASSINATION OF MINISTERS.—QUESTION.

MR. JOHN BRIGHT: I wish to put a Question to the right hon. Gentleman at the head of the Government with respect to the news which has just arrived as to the occurrence of a fresh tragedy at Constantinople. The statement is that the tragedy which has there been enacted is one arising from private revenge. If that be so, it has of course no great public or European importance. It is possible the Government may have information confirming that statement, and, if so, I am sure the House would be glad to hear it. If they have any information of a contrary and more unpleasant character, still I think the House and the country would be equally glad to hear that information. I have waited, thinking it probable that the Question would be asked by some of my Friends sitting near me, but, the Question not being asked, I take on myself the freedom of asking the right hon. Gentleman, If he wishes to say anything in regard to it which may be interesting to the House and the country?

MR. DISRAELI: Sir, from information which we have in our possession there appears to be no doubt of the occurrence of the dreadful event to which the right hon. Gentleman refers. Two of the Turkish Ministers were assassinated; a third was wounded, and one of their attendants was shot dead. It is said that the deed was prompted by private revenge against the Seraskier, Hussein Avni Pasha, who was the first victim. It is, however, impossible for me to pretend at present to offer an opinion to the House on such a subject

as the real motives for the deed. If of course any information of an authentic character reaches me, I shall not fail to take an early opportunity of communicating it to the House.

THE FUGITIVE SLAVE COMMISSION—THE REPORT.—QUESTION.

SIR WILLIAM HARCOURT asked, When the Report of the Royal Commission on the Fugitive Slave Question would be in the hands of Members? The purport of it was stated in the newspapers several days ago.

MR. ASSHETON CROSS, in reply, said, the Report, as usual, was laid on the Table of both Houses of Parliament on Tuesday, and how any portion of it got into the newspapers next morning he was utterly unable to explain. As to the distribution of copies of the Report among Members, he should give instructions that that should be done as soon as possible after it was printed, which was now being done.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

TAXATION IN MALTA.—RESOLUTION.

MR. POTTER: Sir, according to the Notice I have given, I beg to call the attention of the House to the Taxation at present levied in Malta; and to move the following Resolution:—

"That, in the opinion of this House, it is inexpedient in policy and mischievous as an example to other Nations on the shores of the Mediterranean, to continue to levy ten shillings a quarter on wheat imported into the island of Malta, and other high Duties of a protective character on grain and cattle."

My attention was first called to this subject when in Rome last year, and when I was discussing the question of our new Commercial Tariff with Italy. From an Italian point of view, the Maltese Tariff appeared altogether inconsistent with English professions of Free Trade principles, and was calculated to do harm as an example, particularly when the Italians were called upon by England to adopt a policy so different. By a Return laid before the House of Commons in August, 1875, it appears that the main feature of the Maltese Tariff is a

tax of 10s. per salma (7½ bushels) on wheat, and similar duties of a protective character on other grain. There is likewise a tax of 10s. per head on imported cattle, and a considerable duty on light wines and on oil. Fully one half of the revenue, or about £85,000, is raised on corn, wine, and oil; in fact, on the necessaries of the people. It appears to me to be an entirely false principle, especially in the case of Malta, which is so densely populated. After reading this Return, I put a Question to the hon. Gentleman the Under Secretary for the Colonies; and his Answer appeared to me so unsatisfactory that I placed the present Notice on the Paper. I was not, however, prepared for the larger question, which involves the whole system of the English government of Malta. The hon. Gentleman spoke of Malta being a fortress, and drew a parallel between it and Gibraltar. I wish he could have carried out that parallel and told me that Malta was a free port like Gibraltar. Had such been the case, it is probable that I should not have put down my Motion. It is true, doubtless, that Valetta is a great fortress, but the islands of Malta and Gozo cover an area of 115 square miles (according to an authority now recognized in this House, *Whitaker's Almanack*), whilst Gibraltar is a great rock covering only 1½ square miles. The Maltese population is 150,000, whilst Gibraltar contains only 25,000, including the garrison. Malta and Gozo produce a considerable quantity of grain, on which a protective duty of more than 20 per cent is levied in favour of the Maltese landowner. To show the anomaly of the Maltese Tariff, I am told that in the spring of 1875, 10,000 tons of new potatoes were sent to the London market, which so completely cleared the market in Malta that the inhabitants and garrison were obliged to draw their supplies, on which a considerable import duty was levied, from foreign countries. In reference to the Maltese Tariff, it must be remembered that it was enacted when England was Protectionist, in the year 1837, nine years before the repeal of the Corn Laws. Protectionist England was clearly responsible for what was done, as Malta had no representative institutions whatever at that time. It is not probable that Free Trade England, after 1846,

would even have sanctioned such a Tariff. Malta has been in the possession of England since 1800—76 years; and it had previously enjoyed a certain amount of representation. But it was not until 1849 that England gave it any sort of representation. In 1849, a Council was formed to assist the Governor, who acts as President, consisting of 18 Members, 10 official and 8 elected, the official Members being bound to vote with the Governor. That is the present system; and practically the Governor has the power to do what he chooses. I am not going to urge a full and fair representation of the people such as in England. It may not be suited to the present condition of Malta. Malta, as a fortress, is of first-rate importance to England, and military necessities must be the first consideration. But I hold that every liberty consistent with these necessities should be conceded to the people; and if the Government must, to some extent, be despotic, that despotism should be enlightened and worthy of England. Such a heresy and anomaly as a bread tax should not be continued, and the initiative of some other alternative tax must rest with the Government, who can, if they choose, having all the power, levy a tax on property and income, and make Malta a free port like Gibraltar. There can be no reason why municipal rights and self-government in local matters should not be conceded. From information which I have received from Malta, I find that it is desired to have a civilian instead of, or in addition to, a military Governor. On this point I express no opinion; but I hope that every reasonable wish of the inhabitants will meet with a favourable consideration. I am told by some in England that the Maltese are disloyal to the British Government. If this be so, which I trust it is not, there must be some grievous fault on our side. A wise and enlightened policy on the part of England should bind the interests and inclinations of 150,000 Maltese to us; and that wisdom and enlightenment the Maltese have a right to claim at our hands. I am fully aware that it may be said this is a small question to bring before the House of Commons. But I firmly believe that the association of the name of England with a policy of retrogression on the subject of Free Trade never can

be of small importance. In conclusion, I beg to move the Resolution of which I have given Notice.

MR. ANDERSON: Sir, in rising to second the Motion of my hon. Friend the Member for Rochdale (Mr. Potter), which I do with great pleasure, I must also express some regret that his Resolution had not been of a broader character, because it appears to me that, though my hon. Friend has decidedly hit upon a blot, still the iniquitous bread tax which he denounces is only one of the symptoms of a deeper disease in the administration of Malta, the real cause of the evil being a Government entirely despotic and irresponsible to the people governed. We have held the island since 1800, previous to which there was a *Consiglio Popolare*, which ensured some approach to popular government, but under our rule that entirely vanished, till in 1849, under Letters Patent, a Council was instituted consisting of 18 Members, of whom the Military Governor, along with other 9, are official, and 8 are elected, and in this way the official element at any time swamps the elective. But even the elected Members are only the representatives of a very narrow constituency, as I believe the franchise is equivalent to an £8 ownership or a £40 occupancy, and there are only about 2,300 electors in a population of 150,000. The natural result of this state of matters is bad government. The military and official elements everywhere override the civilian, the people are treated with disrespect or indifference, and even the native nobility, dating from as old as the Norman Conquest, is nowhere. I propose to give a few illustrations of the bad government of which I have spoken. The bread tax, of which the hon. Member for Rochdale has just spoken, is one of them. He has told us that it was imposed in 1837; but he omitted to tell us that, in its imposition, there was a stipulation that it should be used only "for purposes of unquestionable public utility." Now, it appears that this has been interpreted to mean utility to the town of Valetta only, and the money that is raised generally, is expended locally, in decorating Valetta and making it a healthy and pleasant place of residence for the garrison and the officials. I am informed that about £60,000 has been spent on an opera

house, about £40,000 on a cemetery, the corridors of the Governor's palace have been lately paved with costly marble, half the cost of an extension of the harbour for the British fleet—some £100,000—and £6,000 a-year for lighting the streets of Valetta, while the smaller towns are not allowed the cost of a paraffin lamp. There are no municipalities and no local authorities, so that outside Valetta local government is entirely neglected. There is no attempt to check mendicity, and the schools are neglected. There is one good point about the schools—they are cheap, the fees are almost nominal, but unfortunately along with that the education is bad. Out of 28,000 children of school age—five to fifteen—only 7,400 are at school, and, even after our rule of three quarters of a century, there is little provision for teaching our language. Only in the higher schools is it required, and at the primary schools only about 800 children are subjected to even a pretence of learning it. Yet another instance of misrule. Lord Cardwell, on the 19th September, 1864, sent a despatch instructing the local government that "no money Vote was to be passed against the opinion of the elected members." But that despatch has just been set at nought in the most flagrant manner. It seems the Chief Secretary wanted his salary raised from £1,000 to £1,300; so having got the consent of Lord Cardwell, he moved it in the Council on the 23rd February last; and notwithstanding that every one of the elected members opposed it—the whole 8 voting against it—the official members carried the increase by a majority of 1, that one being actually the vote of the Chief Secretary himself. It seems to me that open corruption could not go much further than this; and when such an act can be done openly and unblushingly, what may not be suspected of more secret acts? It is even alleged that justice can hardly be had, if that justice happens to be invoked against an official. Sir Adrian Dingli, the Crown Advocate, has held his office for 23 years, during which he has appointed all the Judges and heads of Departments, and has concentrated in his own hands pretty much the whole power in the island. With so long a tenure of office it could hardly be otherwise, and to a certain extent this is the

Mr. Potter

case with the permanent officials in our Departments at home. The Governor having only a five years' term of office, knows and can do little. If there is an appeal to the Governor, he refers it to the Crown Advocate. If there is an appeal to the Chief Secretary, he also refers it to the Crown Advocate. If the appeal be to the Secretary of State at home, the Crown Advocate writes the despatch that accompanies the appeal; and if the appeal be to the Law Courts, again the Crown Advocate appears and defends the Government—that is himself—before Judges who have been appointed by himself. Now I do not say that wrong is actually done under all that; there may be no wrong done—but the circumstances indicate a system under which wrong is possible, and therefore suspicion is warranted. I believe that Malta, if well governed, would be a very flourishing place. I understand its imports from England come to near £1,000,000 sterling annually, those from other countries only a tenth of that. I understand that about 4,500 steamers touch there annually, and I do not doubt that if the suggestion of my hon. Friend, for making Malta a free port, were adopted, it would soon become a great entrepôt of trade. At present its revenue, as regards the amount, is in a satisfactory state. It appears to be about £170,000, while the expenditure for the coming year is estimated at about £160,000, leaving a surplus of £10,000, besides which there is a sum of about £9,000 invested in Consols, derived from some former land sales and held to meet any pressing emergency. Malta pays the whole of the military Governor's salary of £5,000 a-year, and besides that I believe it keeps up a regiment of fencibles. When a few days ago I asked the Under Secretary for the Colonies, if Government had considered the policy of appointing a civilian Governor, and would do so on the expiry of the present appointment in June, 1877, he said—"No, they would not change, because Malta must be considered as a great fortress, where we keep British troops." But, Sir, that fortress and those troops are not kept there for Maltese purposes, but for national ones; and I question the fairness to Malta of having a highly-paid military Governor and making Malta pay his whole salary. In my opinion the Governorship ought to be

divided, both salary and duties. Let there be a military Governor to look after national interests and paid for by us, and also a civilian Governor to look after Maltese administration and paid for by Malta. Were that done, the interests of the people would be looked after as they are not at present, and a great deal of the improper expenditure would be saved. Besides that there ought to be local rating for purely local purposes in Valetta as elsewhere, and if these changes were not enough to get quit of the bread tax, there should be a change to direct taxation, exactly as we, in 1846, adopted the income tax in order to abolish the Corn Laws, the best thing Great Britain ever did for her own prosperity. My hon. Friend has pointed out the iniquity of the Maltese bread tax; it amounts to a farthing on every pound of bread; and, as the poor are the great consumers of bread, it falls with the greatest hardship on the poor. A man's consumption of bread does not increase as his wealth increases, but rather the contrary, and on no principle of justice can such a tax be defended. Even the Crown Advocate of Malta, in defending his Financial Statement the other day, was obliged to admit that it was "a very ugly tax," though, in some measure, he tried to justify it on the old exploded fallacy that wages were regulated by the price of food, and therefore that dear bread assured higher wages. It would be insulting the common sense of the House of Commons even to argue against that fallacy, and, in truth, the only ground on which the tax can be in any way justified is the difficulty of arranging for a substitute. That difficulty might, I think, be overcome under a better form of government, that is with the military and civil rule separated, the constitution of the Council changed, and an enlarged constituency to give that civil rule a more truly representative character. But as Government seem to have decided against present change, there is another proposal which I would urge upon them, and it is one that, in many other matters, they have shown great readiness to adopt. Let them send out a Royal Commission to inquire into the civil administration of Malta; and I feel confident that the result of that inquiry will show the necessity of some such changes as I have pointed out.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is inexpedient in policy, and mischievous as an example to other Nations on the shores of the Mediterranean, to continue to levy ten shillings a quarter on wheat imported into the island of Malta, and other high Duties of a protective character on grain and cattle,"—(*Mr. Potter*,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR H. DRUMMOND WOLFF said, he had passed many years of his life in the Mediterranean and at Malta, and would remind the House that Malta voluntarily undertook to pay the expenses of the Government, which he thought very moderate. The corn tax was no doubt, as it had been called, a very "ugly" tax, and one that it was impossible to defend; but in a small community like Malta it was exceedingly difficult, if not impossible, to raise revenue by direct taxation, which would cause greater discontent among the population than the present system, bad as that might be. When he was Chief Secretary at Corfu, under the late Sir Henry Storks, they were anxious to reform the system of taxation in the Ionian Islands, and appointed a Commission to investigate the matter; but it was found to be perfectly impossible to raise anything by direct taxation. Therefore, with every desire to see a better system of finance in Malta, he knew how difficult it would be to have there anything but a system of indirect taxation, especially as a great part of the inhabitants of Malta were a seafaring population. He felt certain that if the hon. Member for Glasgow were to go to Malta, and examine for himself into the local conditions of Malta, he would see how difficult it was to have anything but that existing system of taxation. As to the present system of government in Malta, it was that recommended by the late Sir George Cornwall Lewis, who was one of the Commissioners sent out to inquire into the subject, and the Maltese were quite satisfied with our rule. With regard to the increase of the salary paid to the Chief Secretary of the Governor, that increase did not involve any addition to the taxes

paid by the people of Malta. The Chief Secretary for several years received £1,000 a-year. This year the Governor thought it right to increase his salary. The Governor had a private secretary, who received £300 a-year. The Governor gave up the private secretary and added £300 to the salary of the Chief Secretary.

SIR GEORGE BOWYER, in contradiction of a statement that the people of Malta were disloyal, said they were thoroughly loyal. Although, no doubt, there was a small revolutionary party, they were of no importance, and they only served to bring into more prominent relief the feelings of the majority of the population. He trusted that the time would come when the financial condition of the island would render it possible to deal with the question raised by the Motion, but he did not see what the present Government could do with it. It was a question which would be debated much more appropriately in the Council of Malta than in Parliament. The present Constitution of Malta was thoroughly unsatisfactory. Much might have been done for ameliorating the state of the population had not military concerns engrossed the attention of the Government of Malta. In the Council of Malta there were eight persons who represented the people of Malta, and there were nine persons who held official positions in the island under the Government, and who were bound to vote as the Governor chose. Moreover, the Governor himself had a vote. Therefore the Executive Government could carry everything their own way, and the Constitution was a mere mockery and delusion. This condition of affairs had caused great discontent. Those who represented the population ought surely to have a majority, even if it was only a majority of one, and he trusted that something would be done to satisfy the people of Malta that those who represented them should have a due preponderance on all matters relating to taxation in the island and to the expenditure of money. With regard to the increase of the Chief Secretary's salary, he observed that the salary of the Judge, who was a very able man, was only £600 a-year, and the salary of the Queen's Advocate was £600 a-year. The Chief Secretary had the highest salary in the island, except the Governor. The people

of Malta had a right to derive some benefit from the abolition of the office of private secretary. The private secretary was disposed of, he (Sir George Bowyer) assumed, because his services were not required. The elected members of the Council who represented the taxpayers ought to have had an opportunity of deciding on that matter. On a recent occasion, the nobility of Malta had met with anything but proper treatment, and he thought they ought to look with favour on the people of Malta, and that their complaints should be listened to with respect, the more so as they were under a military, and not a civil administration. It should be remembered that the Maltese aristocracy was very ancient.

MR. J. LOWTHER said, that no apology was necessary, for he (Mr. Lowther) should be the last person to call in question the propriety of his hon. Friend opposite (Mr. Potter) bringing this subject under their attention. But although his hon. Friend had brought forward the subject of which he had given Notice and confined himself to it, other hon. Gentlemen had, very naturally perhaps, taken the opportunity of travelling very far beyond the terms of the Notice originally given. His hon. Friend having stated that the revenues of Malta were derived almost exclusively from indirect sources, it would probably be convenient to the House to point out briefly what the facts were. The population of Malta was set down roughly at about 150,000. The estimated expenditure for the past year was £160,000. Of that sum £40,000 was revenue derived from the rent of land; and that was an item which in no way fell on the bulk of the population, as it was paid by the occupiers. Upwards of £6,000 was derived from interest of Consols and other Stock, and £1,200 from reimbursements from the Imperial Funds. His hon. Friend would thus see that out of £160,000 required for this expenditure, about £48,000 was met from sources to which the bulk of the population in no way contributed. That left about £113,000 to be made up by general taxation. Of that amount some £52,000 was derived from sources to which his hon. Friend had more especially referred—the tax upon wheat, barley, and other grain. His hon. Friend would therefore see that the

items of revenue against which he had directed his attacks formed a very considerable element of income, being two-fifths of the entire revenue of the colony. There were other items to which he had referred—namely, £3,500 for the import duty on cattle, and some £200 from a duty on horses and mules. He had shown the House that the sum of £55,000 odd was derived from those sources which were more particularly attacked in the Resolution. How did his hon. Friend propose to meet the deficiency which he would create? His hon. Friend might have followed a distinguished example offered to him not long ago, when a large remission of taxation was proposed, and no substitute sketched out. His hon. Friend had declined to follow the example, though he had adopted a course which certainly was not inspired from the source to which he just alluded. His hon. Friend suggested the imposition of an Income Tax. He confessed he was rather astonished to find his hon. Friend in 1876 advocating the imposition of a tax which his political Friends had so frequently denounced. Another source of revenue suggested as an alternative by the hon. Gentleman who seconded the Motion (Mr. Anderson) was the transfer from Imperial sources to local rates of a considerable item of expenditure incurred in the town of Valetta. The hon. Member for Rochdale was a zealous apostle of Free Trade, and they were all indebted to him for a valuable addition to their library. But he would point out to his hon. Friend that there would be some incongruity in English public men propounding the doctrine of Free Trade as a cardinal principle applicable in all conceivable circumstances and cases. There might be some incongruity, for instance, in advocating that doctrine on the shores of the Mediterranean, while a few miles distant a different system was upheld under British rule. He therefore thought his hon. Friend might easily convince himself that Free Trade, though advantageous in certain cases, would not be so in exceptional ones. The English Government presided over many communities who were by no means of one mind on this subject. His hon. Friend proposed that the Government should take advantage of the majority it possessed in the Council to overrule the elected element.

His hon. Friend, however, must be perfectly well aware that the Natives of Malta were by no means well versed in the doctrines of political economy. He would express no opinion on the subject; Her Majesty's Government were not called upon to do so. But if it was the duty of the Government to constitute themselves the champions of Free Trade, and force it on every community over the destiny of which they were called to preside, what reception, he would ask, would such a policy be likely to meet with in Canada or Melbourne, for example. The hon. Member for Glasgow, in seconding the Amendment, had suggested that a civil as well as a military Governor should be appointed for Malta. He might, however, remind the House that Malta was not only a colony of some importance, but that it was also an important fortress, and the question, therefore, would be how far the appointment of a dual government would conduce to the military efficiency of the fortress. The subject the hon. Member for Glasgow would doubtless himself admit to be one of some difficulty, which Her Majesty's Government would be justified in considering before arriving at a decision with regard to it. Looking at the subject abstractedly, he confessed that he could see no objection to the appointment of a civil Governor, provided such an appointment would be consistent with the military efficiency of the fortress; but it was the opinion of competent authorities that the retention of the present system was more likely to maintain that efficiency than the scheme of the hon. Member for Glasgow would be if it were carried into effect. Some 30 years ago a gentleman whose name was not unknown to many hon. Members (Mr. More O'Ferrall) was appointed Civil Governor of Malta, but that result of that appointment was not in favour of a repetition of the experiment. The hon. Member for Glasgow objected that the cost of the Governor was thrown upon the population of Malta, and suggested that the salaries of both should be defrayed out of the Imperial revenues; but he (Mr. Lowther) should have thought the Estimates were already sufficiently high, and he was therefore surprised at the suggestion of the hon. Member.

MR. ANDERSON observed, that he did not intend that the Governors should

receive £5,000 a-year each, but that the Military Governor should receive £3,000, and the Civil Governor £2,000 a-year.

MR. J. LOWTHER doubted whether, under those circumstances, the hon. Member would find the efficiency of either improved, and was afraid that the dual government would in the end prove far more expensive than the present system. At all events, it would certainly require great consideration on the part of Her Majesty's Government before it could be adopted. Men of great experience were opposed to such a system. The experiment had been tried in another colony some years ago, and had failed, and Sir George Cornwall Lewis expressed an opinion decidedly hostile to such an experiment. The hon. Member was wrong when he termed the government of Malta an enlightened despotism. On the contrary, the wishes of the inhabitants were most carefully considered by Her Majesty's Government, whenever they were not inconsistent with the efficiency of the fortress. It had been said that the tax was an exceptional hardship upon the working classes; but in his opinion it pressed very lightly upon the general community, while the imposition of any substitute for it would inevitably lead to great discontent. In his opinion, it would be most unwise to attempt to interfere with the fiscal arrangements which had commended themselves to the general approval of the Council.

MR. RYLANDS said, he did not think that the hon. Gentleman opposite (Mr. Lowther) had been very successful in his reply to the hon. Member for Rochdale. The story about such taxes pressing lightly was the familiar one which had always been urged in favour of this form of taxation, and he could not entertain the opinion that the officials of the Colonial Office, and one of the ability of the hon. Gentleman (Mr. Lowther) himself, could not devise a substitute for the taxes of which the hon. Member for Rochdale complained. He did not think that any fair parallel could be drawn between Malta and Canada, because in the former there was no popular representation.

MR. MUNTZ said, he was of opinion that the duties referred to were not imposed for the purpose of Protection, but were mere fiscal regulations for

revenue purposes. The House had at present no satisfactory information with regard to the taxation of Malta; and he thought that those who proposed a change in the existing system ought to show how the change was to be effected. With regard to the question of imposition of income tax on the Maltese, he considered that was the very last means that should be resorted to, and until he heard of some better scheme of taxation than that which at present existed he could not vote for the Motion of his hon. Friend.

Question put.

The House *divided*:—Ayes 130; Noes 84: Majority 46.

ARMY—SPECIAL ALLOWANCES TO THE BRIGADE OF GUARDS.

OBSERVATIONS.

MR. A. MOORE, in rising to call attention to the special allowances to the Foot Guards, said, that he did not wish to make any attack upon the administration of the War Office, or upon the brigade of Guards, but simply to call attention to certain abuses which had existed for some years. For instance, he found from Returns which he had obtained that while £30,190 was allowed to the Foot Guards as special allowances, £8,008 only were allowed to the Infantry regiments of the Line. He also found, among a variety of other items, that £11,079 were voted for hospitals and recruiting, whilst only £5,692 were spent upon those services; so that it would seem that £5,387 should be returned to the Treasury. This, however, was by no means the case, but, instead, £1,360 per annum were given in aid of the band expenses of the regiments, which was indirectly an allowance to the officers, who would, otherwise, themselves have to pay the band expenses. There was also £907 for Staff allowances for non-commissioned officers, and £6,278 for "profits" to field officers and captains; or in all a total of £8,545. He wished to know where the money came from. He did not wish to destroy any vested interests which the Guards had enjoyed for many years; but he thought the system was a bad one, because the money was voted under the wrong name; in the next place, it was not devoted to the purpose for which it

was voted; and, thirdly, it was impossible to audit the accounts. Whenever the "profits," to which there was no legal title, were less than usual, there was simply added to the bottom of the account a sum that would bring it up to the usual amount. He thought they were entitled to know how these accounts passed the Controller at the War Office, for he could not conceive any system which would be more loose or irregular. For instance, a sum of £77 was paid for hautboys, which most certainly did not exist, and it was in order to end such charges as those that he desired to see the accounts placed on a proper and correct footing.

MR. STANLEY, in replying on behalf of the Government, said, he should like to point out the footing upon which the brigade of Guards stood. He could not help thinking that the hon. Gentleman opposite (Mr. Moore) had put the case in a manner which told equally well both ways. Whether these allowances were right or wrong, they were payments which had been made from time immemorial, going back even to that remote time when the country did not possess a standing Army; and no public account of their disbursement has ever been rendered or asked for in connection with the Estimates. He did not say that that alone was an infallible argument for their continuance, but he had a right to point out that there had been many and careful investigations into the pay and allowances of the Army by Committees of very high class, both in that House and in "another place;" and notwithstanding alterations had been made, these allowances had been continued. The brigade of Guards had been allowed to remain upon the same footing; and that mere fact went a long way to prove that there were strong reasons for the continuance of these allowances. The Committee which sat in 1850-1 took a considerable quantity of evidence, and made a carefully-drawn and valuable Report, from which it appeared that the cost per man in the Guards was £48 11s. 3d., whilst that of the regiments of the line was £46 19s. 6d., showing a difference of something like a penny per day, which was the actual amount of increased pay received by a soldier in the Guards. With respect to the form of accounts, there could be no doubt that it was not

quite what was to be desired; but the subject was gone into with some care by his Predecessor (Mr. Campbell-Bannerman) and the late Sir James Lindsay, and they came to the conclusion that it would be impossible to interfere with the matter without entering into much wider questions. He believed it would be in accordance with the feeling of the officers of the Guards that there should be an inquiry into the stock-purse expenses, and such an inquiry had been contemplated for some time past; but the question up to the present moment was not ripe for investigation. With respect to recruiting, the system of recruiting for the Guards—a full account of which would be found in the Report of 1851—had always been carried on upon a different principle from that of the rest of the Army, but under the new system of recruiting through the brigade depôts the Guards did not wholly depend upon their own recruiting resources. Then, again, other regiments had paymasters—at all events, up to a certain date—but in the Guards, owing to their regimental arrangements, the duty was performed by the quartermasters, who received £20 for each battalion, which was the extra allowance shown in the Return. However desirable it might be to place these Guards' allowances upon a footing more in accordance with modern methods of account-keeping, immense difficulty had been found in dealing with these questions without recognizing the fact that the officers of the Guards found their own lodgings and did not receive allowances which were made in kind or in money to officers in the rest of the Army. If put on the same footing they would probably require the same allowances at large cost to the public. There was also the difficulty of deciding whether the officers of the Guards had any, and, if any, what vested rights to the property in the regimental hospitals. These were presumably built out of public money, and yet the officers contributed to the hospital fund and received proportionate sums on retirement, and these sums had even been paid to the heirs of deceased officers, which appeared to show that they might be legally claimed. He should not like to express a strong opinion on the question until he had the results of an inquiry to guide him. Substantially, then, while there was room for improvement in the

form of the accounts, there had been no misappropriation of money in the sense of diverting it from the purpose for which it was granted by the State, and there had been no undue expenditure upon the brigade of Guards as compared with the general expenditure of corresponding branches of the Army.

MR. CAMPBELL - BANNERMAN said, it was impossible to examine the accounts and history of the whole question as it had been his duty, when at the War Office, to do, without coming to the conclusion that the present arrangements were in a most anomalous condition; though, at the same time, he did not know that the country lost much, or that it would gain by a change if it had to provide barrack accommodation. The form of accounts was most extraordinary, and they were made more complicated from the circumstances which occurred during the Crimean War. Up to the date of that war, there was an annual sum of £158 odd per company granted to the Guards, which was supposed to cover their recruiting and hospital expenses; but during the war the battalions became so diminished in numbers, that the recruiting expenses to replenish the numbers were exceptionally heavy, and the officers complained that the sum allowed—£158—was not sufficient, and an arrangement was made by which they agreed to render items of their account, and that if they had a surplus, the balance should be paid over to the country, whilst, on the other hand, if there was a deficiency, it should be made up by the country. The items had remained stereotyped exactly as they were at that time, and that was the origin of the payment of £1,600 to make up the deficiency. But this was a small matter compared with the question of administrative efficiency, and in that respect he believed the system to be indefensible. With regard to the hospitals, they were not so efficient as the hospitals of the Army generally, and the claim set up by the officers that the hospitals belonged to them was one which could scarcely be allowed without considerable hesitation, because although they had given liberal contributions the public had also rendered considerable assistance. He trusted that these matters would be further inquired into—that a thorough and complete inquiry would be instituted,

and that there would be associated with the officers of the Guards, to whom his hon. Friend had alluded, a certain number of outsiders, so that the country might be satisfied that the interests of the public would be duly cared for.

MR. WHITWELL hoped the matter would now be thoroughly investigated. With regard to recruiting, the present system was certainly not so efficient as it ought to be; and as to the other point, if it could be said that the officers of the Guards had a vested interest in their hospitals, the sooner they were compensated for them the better. It was absolutely necessary that the question should be dealt with.

MR. GATHORNE HARDY said, he did not think that the public suffered in the matter, but there were certainly points connected with it which appeared to be anomalous. There were difficulties in the way of coming to a practical conclusion on the subject. When it was known that money had been paid to the heirs of deceased officers, it certainly looked as if they had a vested interest in their hospitals. All he could say was that, having had his attention called to the subject, he would undertake to look very carefully into it, and see what was the best way of arriving at a satisfactory solution. But he might add that if he felt it his duty to institute inquiry it would be an impartial one, and not be by the Guards alone.

CRIMINAL LAW—ADMINISTRATION IN SUMMARY CASES.

OBSERVATIONS.

MR. HOPWOOD, who had a Notice upon the Paper which he was precluded from moving—

“That the law regulating the appointment, jurisdiction, and duties of Justices of the Peace, and the administration by them of the Criminal Law in summary cases in England and Wales, needs speedy and thorough investigation, with a view to its amendment,”

said, there could be no doubt of the imperative necessity of the inquiry referred to in that Resolution. In November last he introduced to the right hon. Gentleman the Home Secretary an influential deputation of the working classes, who expressed their feelings on the subject. They did not offer any detailed scheme, but urged their conviction that the existing law was in a most unsatis-

factory condition, and pressed with undue and unnecessary harshness on the poorer classes of the community. Premising that no man ought to be tried excepting by his peers, they suggested that an extension should be given to option of trial by jury, as illustrated in the recent case under the Conspiracy Act and other instances; a clearer separation of criminal from civil offences, as had been done in the case of workmen's contracts; and a re-consideration of the whole question of imprisonment, which among certain classes had become too common, they said, and had in a great measure ceased to be regarded either as a punishment or a disgrace. They stated that the greatest dissatisfaction was felt with the way in which many of the magistrates discharged their duties, and urged that no reform of the laws of summary jurisdiction could remove the suspicion with which the local administration of justice was unhappily attended, unless it were accompanied by some remedial measure with regard to the appointment of the local magistrates. Having these objects in view, they desired an inquiry. The Home Secretary, while combating their views on certain points, gave the deputation on the whole a favourable reception. With regard to the law regulating appointments, as it stood at present it was most unsatisfactory, especially with respect to the appointment of magistrates. It was also a scandal and a reproach to both political Parties in the State, the sole ground on which those appointments were made being that the persons receiving them had rendered services to their Party in their respective neighbourhoods. That kind of patronage was a public trust, and the manner in which it was administered by Lords Lieutenant of counties was often a disgrace to those high functionaries. The qualification now required for holding the office of a justice of the peace did not include any knowledge of the law, or any fitness for the discharge of the important duties to be performed, involving the administration of hundreds of Acts of Parliament; indeed, for all the precaution taken, he might be a man who could neither read nor write, and it might be possible to find that there had been magistrates who could do neither. The present qualification as regarded the counties, which dated as far back as the reign of George II., was that the person appointed

should possess £100 a-year from land or have £300 a-year from land in reversion. Justices appointed were young or old. As regarded the former, in counties it was considered a sufficient passport to the magisterial office that the person chosen should be 21 years of age, if he were the representative of landed estate in the county. It was monstrous that a mere property qualification should suffice. In the case of the older men who were selected, a knowledge of the world and of the habits of the community among whom they had to administer justice might help to qualify them for the office, but surely some amount of legal knowledge was also necessary? According to the Commission of justices of the peace, they had to inquire, among other things, "into enchantments, sorceries, arts of magic, forestalling, regrating, engrossing," and other obsolete matters. He knew it would be said that the magistrates, so far as a knowledge of the law went, relied on their clerks, and in seven cases out of ten the clerk was practically the magistrate, and being in practice as an attorney might decide cases in which his clients were concerned. But would the House believe it there was no legal obligation even for the clerk to be a lawyer; any magistrate might appoint his butler, and although there could be no doubt clerks ought to have some legal knowledge; and as a rule they had, yet he had known more than one instance of a mere attorney's clerk being appointed to the office, with nothing to recommend him but his cheapness. The clerk, again, might be the confidential solicitor of half the country round, and might and did advise magistrates while cases, political or otherwise, affecting their own clients, were under consideration. Indeed, he knew a case in which the magistrate's clerk, being also a political agent, advised the dismissal of a charge of offence against the Ballot Act at an election, but which on the very same evidence the grand jury sent for trial, and justice was not defeated. That injustice was known and keenly felt. He should, no doubt, be told that he was attacking a respectable body of men. That was a parrot-cry in such cases. But he had yet to learn how justices or justices' clerks or any body of men could be insulted by a statement that there were some unworthy men among them against whom the pub-

lic ought to be protected by legislation. Magistrates had to deal with 34 large classes of offences, and in addition they were called upon to inflict punishment for breaches of prison discipline. The lash was not very popular in England, but any felon, or other person, sentenced to hard labour could be whipped by order of the magistrate. He found from the judicial statistics just issued that in the year 1874 there had been 163 cases of whipping in the gaols of England and Wales; putting in irons, 60; confined in solitary cells 16,300 men and women; stoppage of diet, 40,000. He found in some gaols the whipping was extravagantly done, in others very sparingly. In Manchester, where there was a daily average of persons imprisoned of 467, there had been 39 whippings, while in Liverpool, where the daily average was rather more, only 8; and in Wandsworth, with a much larger number of prisoners, 14, which was also the figure at Salford. At Coldbath Fields Prison, with four times the number of prisoners, there had been 40 whippings; but at Maidstone, with a daily average of 312, there had been only 2, and at Wakefield, Durham, and Stafford, none at all, although the daily number of prisoners in each of those prisons was much larger than in Manchester. His right hon. Friend (Mr. Cross) was proposing to transfer these powers by his Prisons' Bill from local to national jurisdiction, and it would be a nice point how to regulate these floggings. Were they to go up to the Manchester level, or come down to that of Wakefield, Durham, and Stafford? Then, as regarded the other punishments in the gaols, he found that at Coldbath Fields no females were punished at all, while at Liverpool there were 1,193 women put into solitary cells, and only 813 men. The total number of cases dealt with by the magistrates in 1874, by summary jurisdiction, was 622,000 out of which 486,786 were convicted, and against those convictions there were but 107 appeals, of which 51 were in cases of bastardy and 28 as regarded the Beer Acts. Deducting only the bastardy cases from each side, that would give in round figures one appeal to every 8,600 convictions. That, however, was not a proof that justice had been done in all the other cases, because in nine out of ten cases there was no appeal. It was

Mr. Hopwood

monstrous that that should be the fact, when they reflected how many thousands of these cases were assaults, and subject to any amount of perjury. They all knew that the police frequently made charges of assault, and yet the magistrates had the power of sending a man to prison for six months on the word of a policeman, without an appeal. These were things not to be borne, and fully justified his demand for investigation. Some of these cases were so outrageous that the Home Secretary was called upon to overrule decisions like these. There was the case, much commented on, of the captain who the other day was sent to gaol for keeping a refractory seaman in irons for an excessive time; but if the captain had had an appeal the case might have been calmly discussed; it would have been decided whether the magistrate was right or wrong, the captain would not have been wronged by injustice, and his right hon. Friend would not have been obliged to interfere. He complained that although magistrates were not allowed by law to pass sentences of more than six months' imprisonment, yet by dividing charges they often exceeded that amount. Thus if a man were charged with assaulting two policemen, the man would probably be sentenced to six months for the assault on each, the second sentence to commence at the expiration of the first, the result being that the punishment of a year's imprisonment was inflicted while the law limited the magistrate's power to six months only. He found, too, that there were a great number of imprisonments for the non-payment of costs. There were at the present moment several prisoners in Salford Gaol who, unless they could find sureties, in a very short time would be going through six months' imprisonment in addition to three to which they had been first sentenced for night-poaching. Doubtless there were many similar cases. Often when the magistrate assessed the breach of the law at 6*d.* the unfortunate delinquent would be sent to prison for seven or 14 days, or a month, for non-payment of the fees or the costs; and that also was a point into which there ought to be an inquiry. In making those observations he wished it to be understood that he was attacking the system, and not the men by whom it was administered, and he did so, because the subject was an

important one, and one in which he took much interest. But while he made no attack on individuals, he contended that the law as it stood was objectionable, and protested against the present mode of appointing magistrates as monstrous, maintaining that an inquiry ought to be instituted by the Government as to how they were to be appointed in future, so that some evidence of fitness for the office might be secured, as well as the proper administration of the criminal law in summary cases. He also thought the right of appeal should be multiplied wherever personal liberty was affected. A crying evil existed; but he was sure that the subject could not be in better hands than those of the right hon. Gentleman the Home Secretary.

MR. ASSHETON CROSS said, he was not disposed to find fault with the way in which the hon. and learned Gentleman opposite (Mr. Hopwood) had laid his case before the House, or to deny that it was deserving of the utmost attention. The general tone of the hon. and learned Gentleman's speech might, however, lead to some misconception out-of-doors, inasmuch as the inference might be drawn—he would not say correctly—that he had brought a great indictment, not against any individual justice, but against magistrates as a body. [Mr. Hopwood: No, no!] He knew that was not the feeling of the hon. and learned Member. Standing as he (Mr. Cross) did, in a certain sense, at the head of the magistracy of the country, he was bound to say that, for his part, he believed there were no men who, as a body, acted more fearlessly, more honestly, with more care, with more patience, or with a more thorough determination to do what was right than the magistrates of this country. They gave an enormous amount of time, and took infinite trouble, for which they got no thanks—at least he had never got any himself—to discharge properly the duties which devolved on them. Having, however, said this much on behalf of the magistrates—and he could not speak too strongly of them in that way—he was willing to admit that the system which the hon. and learned Gentleman had brought before the House was one which required alteration, and it had been his intention, if the state of Public Business had admitted of his doing so, to introduce a measure with a view of correct-

ing many of the anomalies which existed in the present state of the law. He hoped, however, early next Session, if not before, to be able to deal with one or two matters in it which required amendment. He did not, he might add, think that there was need of much inquiry for the purpose, because all the facts of the case were, he believed, already very well known, and whenever he brought forward his measure he would, he imagined, be able to show how certain mischiefs had crept into the system which it was desirable to remove. Act after Act, for instance, had been passed, into which, whether owing to the action of the draftsman or some other cause, a clause relating to summary jurisdiction had in some shape or another been introduced, and the result was that, a number of those clauses having got into Acts of Parliament one by one, it was impossible to obtain a bird's-eye view of the whole of our criminal law, except in some big book which was scarcely ever read. He, however, had, with the assistance of several able persons, taken the trouble to get a somewhat complete view of all those ugly clauses, and he certainly was of opinion that they wanted re-arrangement, and that they could easily be re-arranged without making a revolution in the practice of the criminal law. He was also quite willing to admit that it was a great hardship that out of 140,000 sent to gaol there should be as many as one-third to whose cases the statute law was not applicable, and that great relief might be given by the amendment of the part of the law relating to costs. He could not, however, assent to the statement that there was throughout the country great dissatisfaction with the decisions of the justices. Their decisions, he believed, on the contrary, though they might not in many instances be learned in the law, carried with them very great weight with the people themselves. The hon. and learned Member found fault with the mode of their appointment, but he seemed to have much more knowledge, he (Mr. Cross) might add, of their appointments of justices in boroughs than in counties. He was quite aware that in the county with which he was connected the appointment of the magistrates was at one time extremely political. He was not blaming one side more than another; but he was happy to

say that the system had been changed, and that the appointments were now practically non-political. With regard to the counties, he believed that the Lords Lieutenant generally made the appointments fairly; and the Lord Chancellor was responsible for the selection of borough magistrates. If we could not trust the Lords Lieutenant and the Lord Chancellor it would be rather difficult to find any one in whom confidence could be reposed. The hon. and learned Member talked about the qualifications of justices, and suggested that they should know a little law. Now in the administration of justice he (Mr. Cross) thought that a little law was a dangerous thing. What they wanted, with, of course, some knowledge of law, if possible, was a great deal of sound common sense. Look at the great body of the people from whom the justices were selected. They were persons who had spent a great number of the years of their life in active employment and in building up their fortunes or promoting the honour and renown of their country. It was in the same class which supplied them with Members of Parliament that they practically found their magistrates. They could not put them through any examination. The examination which these men had passed had been the work of their lives; they had raised themselves to a position which qualified them for appointments to the magistracy. In his own country they had a magistrate for every policeman, 800 in number, but he did not say that they had too many magistrates—and it was quite right that they should be in the commission of the peace. He might here remark that he would alter the terms of the commission with regard to witchcraft and enchantments, if the change would give any satisfaction to the hon. and learned Member opposite. Undoubtedly one of the oldest laws which could be found provided, and it was no doubt desirable, that there should be on the commission of the peace gentlemen learned in law. So far as they could that was carried out by the practice which almost invariably obtained of making use of the County Court Judges, and he could speak of the immense services which were rendered by the County Court Judges, not only at petty, but at quarter sessions in all cases of appeal. The hon. and learned Member had referred to the absence of any

qualification in the justices' clerk, and had said that they might appoint a butler to the office. The magistrates' own character was at stake in the administration of justice, and they would take care to appoint the best man they could get. He admitted that the clerks ought to be paid by salary, and not by fees, and he hoped to be able to persuade Parliament to make the Act which was now permissive compulsory. With regard to terms of punishment, there were a good many old statutes, and they found that in these the punishments were more severe than in the modern statutes, and it was one of the great evils of Consolidation Acts that the severer penalties were almost always retained. With regard to the differing amounts of punishment awarded by the justices as stated by the hon. and learned Member, he wished to have their administration in prisons as uniform as possible, for, although they did their duty there as honestly as they did elsewhere, they were apt to get into particular grooves in particular localities. The hon. and learned Member had referred to the question of appeal. Now, from the decisions of the justices, there was a short, cheap, and easy appeal to the Secretary of State, and he had been perfectly astonished at the comparatively few cases in which complaints had been made to him of the decisions of the justices. As to the question of costs in criminal appeals he knew that there was a feeling in some populous places that persons were sent to prison so that the clerks might get their fees, and he should like to see some legislation by which the clerks would be paid by salary, and, secondly, that power would be given to the magistrates to give time to parties so that they might find sureties for payment. He did not think that any inquiry into the subject was necessary, and in conclusion he desired to repeat his testimony to the admirable way in which the magistrates of this county performed their duty.

AUDIT OF ARMY AND NAVY EXPENDITURE ACCOUNTS.—OBSERVATIONS.

MR. J. HOLMS, who had a Notice on the Paper to move—

“That, in the opinion of this House, in order to secure the due appropriation of Army and Navy Expenditure to the purposes intended by

Parliament, it is expedient that the system of independent audit which, since the passing of the Exchequer and Audit Departments Act, 1866, has been successfully applied to the accounts of the Annual Grants for the Miscellaneous Civil Services, should be extended in its leading principles, to the Grants for Military and Naval Services,”

said, that at a time when the House of Commons was called upon to vote a sum almost unparalleled for the Army and Navy during peace, it might not be inappropriate to draw attention to the manner in which a sum of £27,000,000 voted for those Services was audited on the part of the House. Fortunately, the principle involved in the Motion he was about to submit was not one upon which there was any controversy. On the contrary, the principle was admitted by financial authorities sitting on both sides of the House as well as by financial authorities outside the House. The duty he had to perform was to show that the House and the country had some reason to complain that the system which had worked so well with regard to the Civil Service expenditure had not been applied to that of the Army and Navy. The Act of 1866, introduced by the right hon. Gentleman the Member for Greenwich, then Chancellor of the Exchequer, was intended to give the Controller and Auditor General substantial authority by making him independent. But in that measure a distinction was drawn between the accounts of the several Departments, and while the Auditor General was required to guarantee that the Civil Service accounts had been expended in accordance with the wishes of the Legislature, he was merely called upon to audit the Army and Navy accounts in gross, to see that the sums for each vote had not been exceeded. It was clear, however, both from speeches made at the time and from the terms of the Act itself, that such an arrangement was only tentative; that a larger application of the principle was contemplated; and that it was intended to extend the system of examination by the Controller and Auditor General to the Army and Navy accounts. Why, then, had not the provisions of this Act, which had worked so well in relation to the other great spending Departments, been applied to the Army and Navy? There was hardly a year since the Act passed that it was not in the power of the Auditor General to draw the atten-

tion of the Select Committee on Public Accounts to some case or cases of misappropriation of public money. As early as 1868 the Select Committee on Public Accounts suggested in their Report that the system for which he contended should be applied to the accounts of the Army and Navy, and in 1869 they again drew the attention of the House and the Treasury to the subject. In 1871, on the examination of the Inland Revenue accounts by the Auditor General, a discovery was made which the Committee characterized as a "grave impropriety," that grave impropriety being that some gentlemen in a public office had divided £2,385—the accumulation of income tax—among themselves. These remonstrances at length had some effect, and it was suggested to the Auditor General that as regarded the Army and Navy accounts, he should put the provision of the Act of 1866 into operation himself; but he did not like to do so without the authority of the Treasury or of the House of Commons. Perhaps he thought it impossible to act unless the Treasury moved first and gave him the means. The Treasury, in a letter to the Auditor General, dated March 6, 1872, yielded the whole of his case. He thought that the suggestion in the Treasury letter that expense should not be allowed to stand in the way of the establishment of a proper system of audit was a very wise and proper one. He must remind those who objected to his proposal that Mr. Scudamore had objected to an independent audit of the Post Office accounts, on the ground of the expense of such a system; but five years afterwards that Gentleman had to give evidence with regard to a sum of £830,000, which had been misapplied by the Post Office, which misappropriation had been discovered through the vigilance of the Auditor General to whose appointment he had objected. The Select Committee on Public Accounts had reported favourably on the establishment of an independent audit of the accounts of these great Departments, and their last Report on this subject was made in March, 1875, and in it the statement appeared that a plan had been sketched for the audit of the War Office expenditure, and the same principle was to be applied to the Admiralty accounts. It was similar to that then in process of application to the accounts of the Revenue

Department. He could assure hon. Members opposite that he had brought forward this subject in no spirit of antagonism to Her Majesty's Government, but merely in the hope of obtaining from them the fullest and most complete information which they could lay before the House on the subject. He was willing to believe that the Financial Secretary desired to place this question upon a proper footing; but, at the same time, he thought that some explanation should be given with regard to the delay that had occurred in arriving at a determination with regard to it. Doubtless he should be told that the matter was still *sub judice*, but it was that very fact that he complained of, because a decision should have been arrived at with reference to it long ago. It would be disrespectful to the House were he not to refer to a Memorandum which was appended to the Report of the Select Committee by the Accountant General of the Admiralty, which contained several objections to the proposal which he might as well answer at once. The Memorandum raised the objection, in the first place, that the departmental examination of the accounts was so perfect that it was a mere waste of time and money to do the work again. In his opinion the more perfect the work was done in the Departments the easier would be the task of the Auditor General in auditing their accounts; and, indeed, the same objection might be urged against auditing the accounts of those Departments which were subjected to the supervision of the Auditor General. Besides, it was scarcely correct to speak of an internal examination of accounts as an audit. A person of authority, with an independent judgment, ought to make the audit, and report impartially upon the state of the accounts. The purpose of an independent audit was not so much to control the officer who recorded the expenditure as the head of the Department who ordered it. It had been objected that the heads of the Naval and Military Departments, being responsible for their administration, would not wish to be hampered by external supervision; but in fact they were not more responsible for the expenditure of their Departments than were those who directed the Miscellaneous Expenditure, and could not possibly be hampered in their action, seeing that the audit did not take place for

months after the expenditure. If the audit were good for the other Departments, why should it not act well in the case of the Naval and Military Departments, with their vast expenditure of £27,000,000? Either the system of audit was wise or unwise; but if it was good in the one case, why should it not be adopted in the other? He could see no reason why it should not, and he trusted that the Chancellor of the Exchequer would give them some reason for hoping that the Army and Navy Departments would be placed under the Auditor General, and that they would be careful not to incur any expenditure for which they could not account to the House of Commons.

GENERAL SIR GEORGE BALFOUR said, that no question could be raised in that House which was of more importance than that which related to the audit or examination of the expenditure of the country. It was, however, a mistake to suppose that the vouchers used for compiling the accounts of the Military and Naval expenditure were not audited or examined with the same care that was bestowed upon the vouchers used in making up the accounts of the different Departments in the Civil Service. His own practical experience with reference to the matter led him to the conclusion that the system of audit in the Military branch which he believed to be formed in assimilation with that at the Naval Department left fewer openings for jobbery in respect to misapplying monies than were to be found in the Civil Service. He submitted that as regarded the auditing of all the accounts of all branches of the Service, there might be, as had been pointed out, great improvements made, as much at the Treasury as at the War Office and Admiralty. The examinations of the vouchers of expenditure at the War Office and Admiralty were conducted by civilian officers formed into a distinct branch in those two Departments of Army and Navy, and this examination being made by one set of Civil servants specially set apart for that duty, he considered that the public had a good right to consider the interests of the country fairly protected, whereas the Civil Service expenditure was examined by the officers of the several individual branches which expended the money, so that for as many branches as there were in the Civil Service there were so many sepa-

rate sets of examiners, and all intimately connected with the head of that one branch and with the other officers of that branch. The Exchequer and Audit Act of 1866 appeared to give to the Auditor General the power of auditing the Civil Service expenditure, but it was one merely of vouchers, whether the Civil Service expenditure was supported by vouchers or proofs of payments—that was to say, whether the total charge was vouched for; that was a mere City kind of verification practised by every company, it was no examination as to the propriety of the outlay, and the accounts laid before Parliament only showed totals without any details of separate payments. The mode in which the expenditure of the Army and Navy was recorded in the accounts was well-calculated to indicate misapplication of funds from the special and particular purposes intended by Parliament. But there was no such security in respect to the Civil Service outlay, for the accounts thereof were lumped up in large amounts, aggregating different kinds of expenditure into one item, and so entered in the accounts and laid before Parliament; so that there was no such useful check as that afforded by the accounts stated in detail of the Army and Navy, by which the fact could be ascertained as to misappropriations—that was, using the monies voted by Parliament for a different purpose from that for which granted. There could be no second opinion on this point—that sums of money which had been voted for one purpose of the Civil Service might be expended for another. The best and only check for that was a clause in the Appropriation Act requiring the outlay to be specifically accounted for under the very heads, and in the form in which the funds were stated in the Estimates. The Treasury, however, had full power to direct inquiries as to the public expenditure in the Military and Naval Departments. Every figure of expenditure in the Army—and he had no doubt in the Navy too, though he could not speak with equal certainty on that point—was carefully scrutinized by officers of the Comptroller and Auditor General, who were always in the War Office, and to whom every voucher was submitted, in order to see that the entries had been duly verified by the responsible examiners, and that proofs

entry was initialed so that falsification was impossible. The 29th clause in the Exchequer Act, which was supposed to be so effectual in protecting the public in regard to the Civil Service expenditure, was, in fact, the course followed for nearly 35 years in respect to the expenditure of the Army and Navy; and, in addition the outlay was initialed in the books so as to ensure the preparation of a correct account. The really best and most effective foundation for a proper examination of the accounts were clear and distinct Estimates, and in order to prevent misappropriation, the more fully and complete the items of expenses were stated, the greater would be the scrutiny of the expenditure entered in vouchers. The Estimates were now presented in great detail by some of the Departments, whilst by others the items were lumped together in a most unsatisfactory manner. The contrast between the Civil Service accounts and those of the Army was great. The real examination by the Comptroller and Auditor General of the Civil Service outlay was a mere test as to whether the total sums which the Heads of each of the many branches of the Civil Service were supported by vouchers. It was no examination as to whether that total was rightly spent for the exact purpose which Parliament intended. It was a mere audit of totals in vouchers, and not of the items entered therein. No doubt the Treasury had the power under the Audit Act to remedy that great de-

"Miscellaneous Ex-
 penses" of various kinds. It looked to be small, small by being so g
 separate parts; but gregated from the 14 they were scattered whole of those unc would swell up to sum, and all of it at main of the several many Votes, in a way found in the expen and Navy, while ex incurred so likely to a small way as in. The real remedy w the present defectiv an officer of each countant for the vote a paymaster to pay various payments of and for that payma vouchers for his seve to an examining o Civil servants, to ver in each voucher, an accounts of outlay a the War Office, and troller and Auditor G accuracy in any way That was now near lowed in respect to could be perfected wi

THE CHANCELLOR
 QUER said, that the importance of th

Service than for the Military Departments. The origin of that system might be, however, attributed rather to the Military than the Civil Departments, because up to that period the former had a more stringent and efficient system of audit than the Civil Service. The Act of 1866 was therefore brought in and made to apply to the weak part of the Civil Service system, and was not brought to bear on the Military Departments. He had the honour of serving upon the Public Accounts Committee when the late Sir James Graham, Sir Francis Baring, and other authorities examined into this subject, and they thought the audit of Military accounts was a model to be followed in the Civil Service accounts. A clause was afterwards introduced into the Bill giving an optional power to the Treasury to apply the new system of audit to the military service also. Now that the very great advantages of the kind of control and audit exercised by the Controller and Auditor General had been ascertained, he agreed that within certain limits and upon certain conditions the same test should be applied as far as possible to the Military Departments. That had been the opinion not only of the Treasury, but of the Committee of Public Accounts which had given much time and attention to this subject. He believed that it would be found when the next Report upon this matter was laid before the House that considerable progress had been made. He would rather not then go into details, but he would say generally that they appreciated the importance of having a control and audit that would have the advantage not only of being efficient, but they also thought that the audit that took place in the War Office and Admiralty was a very efficient and valuable audit, and ought on no account to be superseded or weakened, because it would be absurd and extravagant to do all the work over again. But they also saw that there was advantage in bringing the eye of some one who was independent of the Departments to bear upon the accounts; some one who was in the habit of examining the accounts of different Departments; and who could bring his experience in testing the accounts of one Department to bear upon another Department. It was not in checking computation and addition that they were to look to find

out anything that was irregular, but they were to look to find out irregularities—which though perfectly honest might exist in opening new accounts and in appointing sums to one account that should be placed to another. It must not be supposed that in these irregularities there was anything in the nature of a fraud upon the public. In talking of irregularities it was not meant that there was anything like embezzlement, but rather that money had been paid in a way that Parliament did not intend, or that there had been given a wrong impression of the accounts of one service or another. Such things a departmental auditor would not perhaps see, because he would have been always accustomed to them, whilst they would be detected by a person who was accustomed to audit the accounts of different Departments. He thought that it was of the greatest importance that they should, considering our enormous expenditure, bring as many cross lights to bear upon it as they conveniently could; and that the bringing in the assistance of the Controller and Auditor General was very desirable. It was a subject to which they were directing their attention. They all desired to have a searching audit, and the only question was as to the mode in which the work should be done. The Government hoped in the course of the present Session to arrive at a conclusion that would go to a certain extent in the direction to which the hon. Member (Mr. Holms) had adverted.

LORD ROBERT MONTAGU, having paid much attention to the subject of the Estimates, was desirous to say a few words in relation to them. The right hon. Gentleman the Chancellor of the Exchequer said there should be a concurrent audit. If the accounts were audited at Somerset House, that would be an independent audit; but in the War Office, where the accounts were audited, that was not an independent audit. This was also the case at the Admiralty. The question had been brought before the House year after year, and he himself had brought it before the House three years running; but great tetchiness existed on the part of the Departments in question. If there was a sum which was not used, say, for bridge building or otherwise, that sum should be surrendered to the Treasury. It was a great blot on our system of

audit that in the War Office and at the Admiralty the excess of one Vote might be applied to the deficiency of another, and all attempts to alter this had failed, because Ministers liked to handle the surpluses they created and devote them to the deficiencies they produced. The Chancellor of the Exchequer, like a man skating over bad ice, passed lightly over the difference between auditing for the Treasury and auditing for the House of Commons. There were two kinds of audit. One was the audit presented to the Treasury, the other to the House of Commons. The audit for the Treasury merely consisted in the examination of the vouchers for money spent, and if that was correct there the matter ended. The audit for the House of Commons meant proof that the money had been expended for the purposes for which the House had voted the money, which was a very different thing. In the first case, the House had no guarantee that the money had been spent as it was intended to be spent. In the second, there was a direct check upon misappropriation—he did not mean dishonest misappropriation, but merely application to different purposes from those for which the money was granted. The wisdom of the House of Commons had devised these two checks on expenditure—that of the Treasury before it and that of the appropriation audit afterwards; but the two things were now mixed up. [“No, no!”] They used to be. When was a change made? [“Four years ago.”] The Auditor General had to report to the Treasury, and in one instance an objection he took was resisted by the Treasury and did not appear in the published Report. The Auditor General could not be an independent officer when he was appointed by the Treasury. If we desired to have correct accounts we must make the office independent of the Treasury, and the Auditor General, instead of being a petty clerk at £2,500 a-year, ought to have a position equal to that of a Secretary of State. Until this was done the House of Commons would never attain to the economy it desired.

MR. DILLWYN said, he had for so many years taken an interest in this question that he intended to have made some remarks in support of the Motion of his hon. Friend the Member for Hackney (Mr. Holms). The remarks of the Chancellor of the Exchequer, to which

Lord Robert Montagu

he had listened with great satisfaction, showed that he was fully aware of the importance of an independent audit, and that he sympathized with the object for which the Motion had been brought forward. He hoped that in a short time they would have the accounts of all the Departments placed before the House in a proper manner. Accepting the assurance he had given, he thought it unnecessary to prolong the discussion.

MR. W. H. SMITH said, the noble Lord the Member for Westmeath (Lord Robert Montagu) was mistaken in supposing that the Controller and Auditor General reported to the Treasury. He did not send his Reports to the Treasury; he was in no sense an officer of the Treasury; he reported directly to the House of Commons; and although it was true the Treasury had the power of appointing officers in the department, the Controller had full power under the 9th clause of the Act, constituting the department, to make orders and rules for its internal regulation, and to promote, suspend, or remove any officers, clerks, or others employed therein. The Treasury had no power whatever over any clerk or officer after he was once appointed. The internal regulation of the department in every respect depended upon the Controller, who had as high a salary and an official rank as any permanent official of his class in the public service. He was fully conscious of the great responsibility of his office: he communicated with the Treasury only when it was necessary to obtain information, and he fully maintained the dignity and independence of his position.

NAVY—NAVIGATING OFFICERS.

QUESTION.

MR. HANBURY-TRACY, who had intended to call attention to the subject, said, he would content himself with simply asking the First Lord of the Admiralty. What steps he proposes to adopt to enable Officers of the Navy to obtain adequate knowledge of pilotage and practical navigation: and if he will state what course he intends to take with the view of improving the position of the present Navigating Officers?

OFFICERS OF MARINES—RETIREMENT.

QUESTION.

CAPTAIN PRICE said, that before the preceding Question was answered, he

wished to ask the First Lord of the Admiralty, Whether it is the case that there are at the present moment several Officers of Marines who are entitled to retire on a pension; and, whether the Treasury has been required to make provision for pensioning these Officers during the current year; and, if so, whether he has taken into consideration the advisability of creating an immediate flow of promotion by applying the sum so provided by the Treasury in extending the privilege of retirement to other Officers, or in granting increased pensions to a limited number of Officers who may be willing to retire immediately?

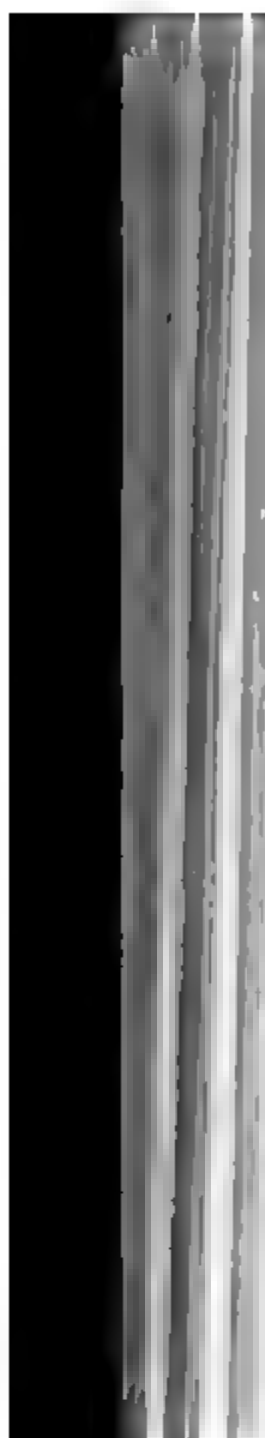
NAVY—ENGINEER OFFICERS AND ENGINE-ROOM ARTIFICERS.

OBSERVATIONS.

MR. GORST said, he had a Question on the Paper which, perhaps, it would be well that he should put, in order to enable the right hon. Gentleman to reply to it as well as those which had just been put to him. He wished to call attention to the present unsatisfactory position of the Engineer Officers and the Engine-Room Artificers of the Royal Navy, and to the urgent necessity for taking some immediate steps to improve the same. There had been an increase of duties thrown upon the chief engineers, and a decrease of rank and pay. When they compared the position of these officers in the British Navy with officers of the same rank in the American Navy, it would be found that in every class the American officers were paid double, and in some cases treble, the amount paid to engineer officers and engine-room artificers in the British Navy. By the substitution of engineer officers in large vessels, which ought to have been under the command of chief engineers, there was a stagnation in the promotion of chief engineers, and altogether it would seem they had made a serious mistake in selecting the British instead of the American Navy for the exercise of their profession. He was not disposed at that late hour to enter into a lengthened statement, but he reminded the House that last year the First Lord of the Admiralty promised to appoint a Committee to investigate the grievances of these officers. He had done so; and he (Mr. Gorst) wished to know whether it was true that that Report had been

made, and that the Committee recommended a large increase in the pay of engineers and an increase in the pay of engine-room artificers? It was of the utmost importance that the control of the machinery of the Royal steamships would come into most efficient hands.

MR. HUNT said, that without any pressure on the part of his hon. Friend, or any other Member of the House, he appointed a Committee to inquire into the subject. He had therefore given an earnest that the subject was being properly considered by the Admiralty, in order to see what improvement could be devised. It was quite true that the Committee reported some two months ago. The Committee recommended some sweeping changes as to the engineers, and very important changes as to the service and the financial aspect of the question. Under these circumstances the recommendations of the Committee could not be accepted without careful consideration. When he was asked to present the Report and the evidence to the House, he stated that he was not willing to do so until the Admiralty had determined whether the recommendations of the Committee should be accepted. When that Question was put to him he had not had time even to read the evidence; but in the Whitsun Recess he had a certain amount of leisure, and he read a great part of the evidence. He was, therefore, better informed now on the subject than when that Question was put. The matter was engaging the attention of the Admiralty, but he could not undertake to say that their decision upon it would be come to while Parliament was sitting. The hon. and gallant Member for Devonport (Captain Price) had asked him a Question as to officers of the Marines—namely, whether the sum taken did not provide for all the officers who were entitled to retire if they chose, though some of them had not elected to do so. The sum taken provided for the number who were expected to retire, and not for all who might retire if they wished; because it was known by experience that many who had the option of retiring did not choose to avail themselves of it. He was desirous of remedying, if possible, the present stagnation of promotion; but he felt great difficulty in doing anything in the matter until the Report of the Army Commission was presented, which he was led to hope it



MR. SPEAKER here intervened, reminding the hon. Gentleman that it was out of Order to discuss the principle of a Bill not before the House.

SIR GEORGE CAMPBELL: I bow to your decision, Sir; but perhaps I may name the Scotch Bills now pending respecting which we have had no proper discussion. The Poor Law Amendment Bill has been smuggled through two stages without discussion. The Roads Bill, which we are more anxious to see passed, has been waiting for the appointment of a day, and there is not the least chance of its being brought forward. I saw from the Minutes that the Roads Bill was read a second time last night, but that I am now told was a mistake. It either has been read a second time without discussion, or it is not likely to be read a second time at all, because there is no day on which it is likely to go on. The Sheriff Courts Bill is another important Bill, and so is the Agricultural Holdings Bill; and the Ecclesiastical Assessments Bill raises some difficult questions in regard to the incidence of local taxation. Then we have the everlasting Game Bills, Liquor Bills, and other smaller measures. What prospect is there of these being discussed? I say the Government have made no arrangement to lead us to hope that they will give us time to discuss them. We must take them in silence or not at all. I say we are greatly ill-used in this matter. Last Tuesday we were given to believe that one of the Scotch Bills would be brought forward. I thought it likely that the Government would have taken a Morning Sitting to-day, and devoted it to a Scotch Bill; but they have not even fixed next Tuesday for that purpose. I hope that now we have been so often told that the Government hope to dispose of Scotch Business, they will be able to tell us something definite, and to say whether they really are going to do anything or nothing; because if they are going to do nothing, it is time these deputations should be enabled to go home to attend to their own affairs, instead of dancing in attendance here in a hope which is not likely to be fulfilled. I trust we shall have definite information given to us.

MR. ASSHETON CROSS: It is only with the permission of the House that I am entitled to speak at the present moment. I have spoken before; but if

the House will allow me, I have two or three words to say as to what the Government will do. I think the hon. Gentleman could not have been in his place last night, for it was then stated that we had fixed certain days for these Bills, with the intention then of naming some day when it would be practicable to bring them forward. It was our intention that the Bills the Government could bring forward should then have a day specially appointed for them, so that they should not be brought forward on a day when there was no opportunity of discussing them. As to the deputations, I am extremely glad to see them; and, more than that, the fact of their having been here has, I believe, greatly contributed to the solution of the Roads question. Having said that, I can only say further that I think it is likely that the Roads Bill and the Poor Law Amendment Bill will be arranged for this Session.

MR. RAMSAY said, he was quite sure that no one could have been less satisfied with the manner in which Scotch Business had been conducted, not only that Session, but during the present Parliament, than the right hon. and learned Lord Advocate himself. The Bills that passed last Session were passed by the Clerk reading their titles at the Table. There was no opportunity for discussion, and they were told they must either take the Bills as a whole or reject them altogether. That was not the mode in which the Business of any section of this country should be treated. The right hon. Gentleman the Home Secretary and the Chancellor of the Exchequer received Scotch Members with great courtesy and attention, but more was wanted than these courtesies—the people of Scotland wanted that their circumstances and feelings should be considered. That had not been done. The only important measure that received any discussion was one the passing of which was not now regarded with pride, but rather with regret—that was the Bill for creating a new franchise for the election of ministers in the Church of Scotland. He felt, therefore, that they were justified in taking an opportunity of the present kind to say that they must receive not only the courtesy they had already received from the right hon. Gentlemen, but that the Business of Scotland should be treated with

the respect paid to the legislation of every other portion of the Empire. He did not think it would be a satisfactory mode to substitute the Tea Room for the House; but he thought it was worthy of the consideration of the right hon. Gentleman that some means should be devised by which, without impeding general legislation affecting the Empire, the Business of Scotland should receive greater consideration than had yet been given to it.

SIR JOHN HAY said, he wished to say two or three words on this subject. In the earlier days of his Parliamentary experience, the Lord Advocate was good enough to assemble Scotch Members in a convenient place, and from them received not only information as to Bills brought before the House, but as to the support he would receive in conducting that Business to a satisfactory and rapid conclusion, and he ventured to say that it would be of great advantage to Parliament if that process were re-introduced. If the Lord Advocate would consult the Scotch Members upon Scotch Bills, and would accept not the votes of the majority, but would form his own opinion, and then introduce his measures into Parliament so shaped that he would have a reasonable prospect of carrying them through, as had been the former practice on Scotch measures, he would do good service.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—NAVY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

Motion made, and Question proposed,

"That a sum, not exceeding £109,194, be granted to Her Majesty, to defray the Expenses of the several Scientific Departments of the Navy, which will come in course of payment during the year ending on the 31st day of March 1877."

MR. RYLANDS objected to their proceeding at so late an hour with so important a matter. There had been a promise given that the details of the Estimates would not be taken after half-past 11.

MR. HUNT said, that was what he certainly had promised, but they had

Mr. Ramsay

been taken by surprise by a "Scotch invasion," which, however, had only lasted until three minutes beyond the hour he had fixed upon. If it was thought he should not go on, the time arranged only being exceeded by three minutes, of course he must agree to report Progress; but if the Committee was willing to go on he should be glad.

MR. RYLANDS thought half-past 11 was too late. The Navy Estimates should be brought on at an earlier hour. Several of the Representatives of the Dockyards—Members who wished to take part in the discussion—were not present, and he should therefore move that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Rylands.*)

MR. SAMPSON LLOYD said, some of them who represented Dockyard towns had sat there for hours waiting for these Votes to come on, and it was hard that, after what was called a "Scotch invasion," and the discussion of questions of no very great interest, those Members interested in the Navy Votes should be prevented discussing them.

MR. GOSCHEN said, they had not interposed in the discussion, wishing to save time, but he thought it must be admitted half-past 11 was a late hour to go into Committee. He therefore thought there was reason in the Motion of the hon. Member for Burnley; but, at the same time, he sympathized with the right hon. Gentleman.

MR. HUNT felt obliged to the right hon. Gentleman for his friendly remarks; but he must feel that at that late period of the Session it was difficult to arrange the Business. He thought after the previous discussions on the Navy Estimates the Committee might be willing to continue them, but he could not object to the Motion. He would try to arrange that the Navy Estimates should come on upon a future day at an earlier hour. But his right hon. Friend the Secretary for War wished, before Progress was reported, to propose a Vote for the Army.

MR. ASSHETON CROSS: I hope the hon. Member opposite (Mr. Ramsay), who is anxious to promote Scotch Busi-

ness, will see that he has taken up another day which they might have had for Scotch Business.

MR. RAMSAY: I may fairly say I did not know that the hon. Member for Kirkcaldy was about to mention this matter, and I was no party to any delay. I wish to say, however, that no Scotch business should have been treated in the way the hon. Member for Plymouth (Mr. Sampson Lloyd) has spoken in this House of our business. I do not see that Scottish business should be spoken of as a "Scotch invasion," or that such remarks should be made on Scotch affairs. I feel it necessary to make a protest against being treated in that fashion. It will not tend to allay the discontent already existing if we are told we must stand over until the dock-yard constituencies' affairs are discussed.

SIR GEORGE CAMPBELL said, he had no desire whatever to interfere with naval Business. He did not wish to do so, though he felt there was a risk of that result, and took counsel on the subject, and was led to believe that there was an objection to taking the Naval Votes at so late an hour. He understood the English Poor Law Bill could be taken any time before 12 o'clock, and hoped it would be taken.

MR. GOSCHEN said, it would be a mistake to suppose that the hon. Gentleman the Member for Kirkcaldy had taken counsel with him or any of his Friends sitting on the front bench.

MR. ANDERSON thought the Home Secretary had gone out of his way to taunt the hon. Member for Falkirk as having taken up one of the nights which might have been available otherwise for Scotch Business, merely because he made some remarks about Scotch Business. No time had been lost in making those remarks, except the time the remarks took in being delivered. They were not going away. There were more than 24 Orders on the Paper, and he had no doubt the House would sit till 2 o'clock, using the whole of the time in other work.

MR. O'SHAUGHNESSY feared that in consequence of the time which had been lost by English and Scotch Members it would be impossible that night to go on with the Poor Law Rating (Ireland) Bill.

MR. RYLANDS said, he would withdraw his motion, in order that, as had

been suggested, the Secretary for War might take a Vote.

Motion, by leave, *withdrawn*.

Original Motion, by leave, *withdrawn*.

ARMY PURCHASE ESTIMATE.

£364,200, to complete the sum for Army Purchase Commission.

GENERAL SIR GEORGE BALFOUR said, that a more irregular Vote had never been presented. It was of that bad kind of Votes which carefully concealed the information by which you could verify the actual expenditure with the estimated outlay; and consequently no one knew whether the mode in which the money was spent was right or not. He hoped the Secretary of State for War would give a distinct account of the manner in which the money had been spent in the past, and state clearly the names, ranks, and corps and regiments of the various officers who received the money voted by Parliament as well as the sums paid to each.

MR. DILLWYN also asked how the money was to be expended. There was no information in the Estimates.

MR. GATHORNE HARDY remarked, that the Estimate was laid on the Table of the House three months ago. The money had been voted, and there would be no difficulty whatever in stating to the House what commissions had been purchased.

GENERAL SIR GEORGE BALFOUR said, no information had been given respecting the particular commissions which had been bought. It was only right to those who advocated the abolition of purchase to have the information given in a clear way, so that they might be able to judge whether the recommendations they offered, and which the House followed in abolishing Purchase, were right. Already millions had been spent, and many more millions had yet to be spent, but no other accounts had been given except lump sums. But as the Treasury was charged with the duty of issuing instructions as to the accounts to be rendered, he hoped that the controlling Department would not fail to require the Commissioners of Purchase to submit to the Comptroller and Auditor General a detailed account of every item, and that that account, when audited with the vouchers, would be laid before

Parliament, to enable Members and the country to form right views about the outlay of £10,000,000 or £12,000,000 for buying back the Army from the officers.

MR. STANLEY said, a Return giving the information required by the hon. Gentleman would be laid on the Table by his right hon. Friend.

Vote agreed to.

House resumed.

Resolution to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

ARMY CORPS TRAINING BILL.

(Mr. Secretary Hardy, Mr. Stanley, Mr. William Henry Smith.)

[BILL 182.] CONSIDERATION.

Bill, as amended, *considered*.

MR. GATHORNE HARDY moved the addition of a new clause providing for the appointment of special Commissioners by the Lords Lieutenant of the counties of Surrey, Sussex, Hants, Wilts, Gloucester, and Somerset, one for each county.

Clause (Appointment of special Commissioners by Lords Lieutenant,)—(Mr. Secretary Hardy,)—*brought up*, and read a first time.

SIR WALTER BARTTELOT suggested that it would be as easy to appoint two Commissioners as one for each county, and that two would increase the confidence of the public in the decisions.

MR. CAMPBELL - BANNERMAN concurred in the suggestion of the hon. and gallant Baronet.

MR. GATHORNE HARDY undertook to consider the point before the Bill reached the other House.

Clause read a second time, and *added* to the Bill.

Amendments made.

Bill to be read the third time upon *Monday* next.

General Sir George Balfour

POOR LAW RATING (IRELAND) BILL.

(Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland.)

[BILL 156.] SECOND READING.

Order for Second Reading read.

SIR MICHAEL HICKS-BEACH, in moving that the Bill be now read a second time, stated its provisions shortly, and intimated that the House would have full opportunity to consider it in Committee; and with regard to the clause providing for a re-valuation of Unions in certain circumstances, to which he understood there was an objection, he might state that he did not consider it essential to the Bill. The right hon. Baronet concluded by moving the second reading.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Sir Michael Hicks-Beach.)

MR. O'SHAUGHNESSY said, he was not disposed at the late period of the Session to throw any obstacles in the way of the passing of the Bill. He hoped that in Committee any objectionable clause might be amended, so that the Bill might pass this year.

MR. MORRIS also took exception to portions of the measure, but would not offer any obstacle to the second reading.

SIR COLMAN O'LOGHLEN agreed to the second reading, with reservations as to certain clauses in Committee.

MR. STACPOOLE regretted that the right hon. Baronet had not extended the principle of Union rating to Ireland in the same way as it was applied in England.

Question put, and *agreed to*.

Bill read a second time, and *committed* for *Thursday* next.

House adjourned at One o'clock, till Monday next.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CCXXIX.

THIRD VOLUME OF SESSION 1876.

EXPLANATION OF THE ABBREVIATIONS.

In Bills, Read 1^o, 2^o, 3^o, or 1^a, 2^a, 3^a, Read the First, Second, or Third Time.—In Speeches, 1R., 2R., 3R., Speech delivered on the First, Second, or Third Reading.—*Amendt.*, Amendment.—*Res.*, Resolution.—*Comm.*, Committee.—*Re-Comm.*, Re-Committal.—*Rep.*, Report.—*Consid.*, Consideration.—*Adj.*, Adjournment or Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*M. Q.*, Main Question.—*O. Q.*, Original Question.—*O. M.*, Original Motion.—*P. Q.*, Previous Question.—*R. P.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st. Div.*, *2nd. Div.*, First or Second Division.—*l.*, Lords.—*c.*, Commons.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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(*Sir John Lubbock, Mr. Backhouse, Mr. Sampson Lloyd, Mr. Watkin Williams*)

c. Ordered; read 1^o • May 29 [Bill 171]

Read 2^o, after short debate June 8, 1597

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Moved, "That this House is of opinion that Her Majesty's Government should take into its early consideration whether it would not be for the advantage of the Country that a moderate and graduated stamp or composition Duty should be levied in respect to all interest-bearing deposits with bankers in the United Kingdom, and whether the scale and incidence of such Duty may not be so devised as to encourage the making of such deposits for fixed periods and renewable periods, as for instance from three months to three months, in preference to the system which has grown up and now prevails, whereby the greater number and amount of the interest-bearing deposits in the United Kingdom are held subject to recall at a few days' notice" (*Sir Joseph McKenna*) May 16, 778; after short debate, Motion withdrawn

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l. Presented; read 1^a, after short debate June 1, 1496 (No. 106)

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(*Mr. Norwood, Mr. Leeman, Mr. Charles Lewis, Mr. Sampson Lloyd, Mr. Anderson*)

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(*The Earl of Airlie*)

l. Royal Assent June 1 [39 Vict. c. 12]

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Amendment Bill

(*The Lord Advocate, Mr. Secretary Cross*)

c. Ordered; read 1^o * May 24 [Bill 166]
Read 2^o May 26, 1839

Committee*; Report June 8

Read 3^o, after short debate June 13, 1783

l. Read 1^o * (*The Lord Steward*) June 15

(No. 116)

Burghs (Scotland) Gas Supply (*re-com-*
mitted) Bill

(*Sir Windham Anstruther, Mr. Orr Ewing, Mr.*
Grieve, Mr. William Holms)

c. Order for Committee discharged, after short
debate May 18, 998; Bill re-committed

[Bill 120]

Committee* (*on re-comm*); Report June 8

Considered* June 9

[Bill 175]

Read 3^o * June 16

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Moved to resolve "That it is desirable that the
law relating to the burial of the dead in
England should be amended,

"(1.) By giving facilities for the interment of
deceased persons without the use of the
burial service of the Church of England in
churchyards in which they have a right of
interment, if the relatives or friends having
the charge of their funerals shall so desire;

"(2.) By enabling the relatives or friends
having charge of the funeral of any deceased
person to conduct such funeral in any church-
yard in which the deceased had a right of
interment with such Christian and orderly
religious observances as to them may seem
fit" (*Earl Granville*) May 15, 588; after
long debate, on Question? Cont. 92, Not-
Cont. 148; M. 56; resolved in the negative
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(*The Earl Grey*)

l. Presented; read 1^o * May 9 (No. 77)

Moved, "That the Bill be now read 2^a" May 23,
1084

After short debate, Amendt. to leave out
("now") and insert ("this day six months")
(*The Lord President*); on Question, that
("now,") &c.; resolved in the negative;
and Bill to be read 2^a this day six months

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CHAPLIN, Mr. H., *Lincolnshire, Mid*
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Chelsea Hospital Accounts Bill

(Mr. Stephen Cave, Mr. William Henry Smith,
Mr. Stanley)

c. Read 2^o May 4 [Bill 133]

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Read 3^o May 9

L. Read 1^o (Earl Cadogan) May 11 (No. 81)

Read 2^o May 16

Committee*; Report May 18

Read 3^o May 22

Royal Assent June 1 [39 Vict. c. 14]

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CHURCHILL, Lord R., *Woodstock*

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The Vicar's Rate at Halifax, Question, Lord Frederick Cavendish; Answer, Mr. Assheton Cross *June 1, 1820*

[See title *Burial, Law of—Resolutions (Earl Granville)*]

City of London Companies

Moved, "That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Return setting forth in detail a Statement of the real and personal property vested in the City of London Companies respectively; also a detailed Statement of the charities payable by such Companies and of the income derived from all sources; and Statement of expenditure and receipts during the last three years preceding the 1st day of January 1875" (*Mr. James*) *May 28, 1117*; after long debate, Motion withdrawn

Civil Service Inquiry Commission

Customs (Out-door Department), Question, Mr. Boord; Answer, Mr. W. H. Smith *May 28, 1115*

Inland Revenue (Out-door Department), Question, Mr. Wheelhouse; Answer, 'The Chancellor of the Exchequer *June 16, 1873*

Clerk of the Peace and of the Crown (Ireland) Bill

(*Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach*)

c. Moved, "That the Bill be now read 2^o" *May 28, 1337* [Bill 119]

Amendt. to leave out "now," and add "upon this day six months" (*Sir Colman O'Loghlen*)

Question proposed, "That 'now,' &c.;"

Moved, "That the Debate be now adjourned" (*Mr. Meldon*); Question put, and agreed to; Debate adjourned

CLIFFORD, Mr. C. C., Newport, Isle of Wight

University of Oxford, 2R. 1737

Unreformed Municipal Corporations—Yarmouth and Brading, Isle of Wight, 1620

CLIVE, Mr. G., Hereford

Landlord and Tenant (Ireland), 1274, 1275

Poor Law Amendment, Comm. cl. 28, 1768

Salmon Fisheries Inspectors' Report—The Wye, 264, 1972

Coal Mines—The Wigan Collieries

Question, Mr. Macdonald; Answer, Mr. Assheton Cross *June 13, 1760*

COCHRANE, Mr. A. D. W. R. Baillie, Isle of Wight

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COLE, Mr. H. T., Penrhyn, &c.

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Burial, Law of, Res. 639

Inns of Court, Comm. 588

COLLINS, Mr. E., Kinsale

Bankers Deposits—Financial Panics, Res. 791

COLVILLE OF CULROSS, Lord

Railway Accidents, Royal Commission on—Brakes, 1095

Commons Bill

(*Mr. Secretary Cross,*

Sir Henry Selwin-Ibbetson)

c. Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" *May 25, 1219*

Amendt. to leave out from "That," and add "in the opinion of this House, this Bill does not give adequate protection to the interests of the rural labourers, and does not provide proper securities against the inclosure of those Commons which it is desirable to preserve in their uninclosed condition for the use and enjoyment of the people" (*Mr. Fawcett*) v.; Question proposed, "That the words, &c.;" after debate, Question put; A. 234, N. 98; M. 136 [Bill 51]

Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—R.P.

Committee—R.P. *May 29, 1379*

Committee—R.P. *June 1, 1523*

Committee; Report *June 8, 1556* [Bill 184]

Consolidated Fund (£11,000,000) Bill

(*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith*)

c. Considered in Committee *May 22*; Resolution agreed to, and reported; Bill ordered; read 1^o *May 24*

Read 2^o *May 25*

Committee*; Report *May 26*

Read 3^o *May 29*

l. Read 1^o (*The Lord President*) *May 29*

Read 2^o; Committee negatived; read 3^o *May 30*

Royal Assent *June 1*

[39 Vict. c. 15]

Convention (Ireland) Act Repeal Bill

(Mr. P. J. Smyth, Mr. Ronayne, Mr. O'Clery)

c. Ordered ; read 1^o * May 5 [Bill 143]**Convicted Children Bill**

(Sir Eardley

Wilmot, Mr. Floyer, Mr. Serjeant Simon)

c. Ordered ; read 1^o * June 14 [Bill 192]**COOPE, Mr. O. E., *Middlesex***

Army—Militia Storehouses in Middlesex, 1894

CORK, Earl of

Army — Reserve Forces — Yeomanry Trumpeters, 1256

Coroners (Dublin) Bill

(Mr. Sullivan, Sir Arthur Guinness, Mr. Maurice Brooks, Mr. Patrick Martin)

c. Committee * ; Report May 17 [Bills 104-152]

Committee * (on re-comm.)—R.P. May 24

Committee * ; Report May 25

Considered * May 26

Read 3^o * May 29l. Read 1^a * (Lord O'Hagan) May 30 (No. 102)**CORRY, Mr. J. P., *Belfast***

Merchant Shipping, Comm. add. cl. 214

COTTESLOE, Lord

West Coast of Africa—Dahomey, King of, 764

COTTON, Right Hon. W. J. R. (Lord Mayor), *London*

City of London Companies, Address for a Return, 1139

County Rates (Ireland) Bill

(Mr. Butt, Mr. Downing, Mr. Richard Smyth)

c. Moved, "That the Bill be now read 2^o" May 9, 306 [Bill 138]

Moved, "That the Debate be now adjourned" (Mr. W. H. Smith); after short debate, Motion agreed to ; Debate adjourned

COURTOWN, Earl ofGrand Juries (Ireland), Res. 1413
Irish Peerage, Report, 190**COWEN, Mr. J., *Newcastle-on-Tyne***

Commons, Comm. cl. 2, 1398

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Merchant Shipping, Comm. add. cl. 63, 65, 208
Parliament—Strangers, Exclusion of—Sessional Order, 1495**COWPER, Earl**

Railway Accidents, Royal Commission on—Brakes, 1098

CRAWFORD, Mr. J. S., *Down*

Cattle Disease (Ireland), Comm. cl. 4, Amendt. 182

CRIMINAL LAW**MISCELLANEOUS QUESTIONS***Administration in Summary Cases*, Observations, Mr. Hopwood ; Reply, Mr. Assheton Cross June 16, 1993*Bravo, Mr. — The Inquest*, Questions, Mr. Serjeant Simon, Mr. Callan ; Answers, Mr. Assheton Cross May 18, 922*Escape of Fenian Convicts from Australia*, Question, Dr. C. Cameron ; Answer, Mr. J. Lowther June 9, 1604*Execution of George Hill*, Question, Mr. P. A. Taylor ; Answer, Mr. Assheton Cross May 4, 34*Expense of Executions*, Question, Mr. Fortescue Harrison ; Answer, Mr. W. H. Smith May 8, 206*Judicature Act, 1873—Winter Assizes—Untried Prisoners*, Question, Mr. Ryder ; Answer, Mr. Assheton Cross May 12, 488 ;—*The Summer Assizes*, Question, Mr. Cole ; Answer, Mr. Assheton Cross May 18, 921 ;—*The Assizes*, Question, Mr. Cole ; Answer, The Attorney General May 25, 1187*Mad Dogs*, Question, Mr. Sykes ; Answer, Mr. Assheton Cross May 23, 1115*Police—Devonport Watch Committee*, Question, Sir Wilfrid Lawson ; Answer, Mr. Assheton Cross May 9, 263*Public Prosecutor*, Question, Sir Charles Russell ; Answer, Mr. Assheton Cross May 25, 1189*Release of Political Prisoners*, Question, Mr. M. Brooks ; Answer, Mr. Disraeli ; debate thereon May 22, 1040*The Convict Orton*, Question, Mr. Whalley ; Answer, Mr. Assheton Cross May 26, 1271*The Convict Standridge*, Question, Mr. Waddy ; Answer, Mr. Assheton Cross May 8, 207*Vaccination Act—Arrests*, Question, Mr. Blake ; Answer, Mr. Assheton Cross May 22, 1052**Criminal Law—Railway Trains, Throwing Stones at**Moved, for Copy of evidence given before the Salford Police Court (*Earl De La Warr*) May 29, 1341 ; after short debate, Motion withdrawn**Criminal Law (Evidence) Amendment Bill** (Mr. Ashley, Mr. George Clive)

c. Order for 2R. read May 24, 1182 ; after short debate, further proceeding on 2R. adjourned [Bill 61]

Cross, Right Hon. R. A. (Secretary of State for the Home Department), *Lancashire, S.W.*

Agricultural Children Act—Henry Cole, Case of, 47

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City of London Companies, Address for a Return, 1150

Colliery Accidents—Wigan Collieries, 1761

Commons, Comm. 1241, 1243, 1250, 1253, 1382, 1385 ; cl. 2, 1389, 1393, 1394, 1396, 1397, 1398 ; Motion for reporting Progress, *ib.*, 1400 ; cl. 4, 1523, 1524 ; cl. 8, 1525, 1527, 1528, 1529, 1531 ; cl. 12, 1532, 1533, 1535 ; cl. 18, 1558 ; cl. 22, 1562 ; cl. 25, 1563 ; cl. 28, Amendt. 1565, 1567, 1568, 1569, 1570 ; add. cl. 1^a 7^a 1575, 1576

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Consid. cl. 11, 1068

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Poor Law (Scotland), 2R. 260

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Queenborough Harbour, 3R. 1970

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Cruelty to Animals Bill [H.L.]

(The Earl of Carnarvon)

1. Presented ; read 1^a * May 15 (No. 85)

Read 2^a, after short debate May 22, 1001

Observations, Viscount Cardwell ; Reply, The Duke of Richmond and Gordon May 29, 1340

Committee put off sine die

Cruelty to Animals Bill

(Mr. Holt, Mr. Hardcastle, Mr. Wait, Mr. Wilson)

c. Ordered ; read 1^o * May 24 [Bill 168]

CUST, Major H. F. C., Grantham

India—Bishopric in Northern India, 264

Customs and Inland Revenue Bill

(Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith)

c. Moved, "That the Bill be now read 2^o," May 15, 673

Amendt. to leave out from "That," and add "this House regrets that the progressive increase of expenditure recommended by Her Majesty's Government should have led to a proposal by Her Majesty's Government to add to the Income Tax in the present year" (Mr. Rylands) v. ; Question proposed, "That the words, &c.;" after long debate, Question put ; A. 263 ; N. 175 ; M. 88

Main Question put, and agreed to ; Bill read 2^o [Bill 124]

Order for Committee read ; Moved, "That Mr. Speaker do now leave the Chair" May 18, 965

Amendt. to leave out from "That," and add "it is inexpedient to extend the range of absolute exemption from Income Tax to incomes of £150, and to extend the limit of partial exemption from incomes of £300 to incomes of £400, inasmuch as these additional exemptions would injuriously affect the equable proportion in which all incomes of like nature should be assessed" (Mr. Hubbard) v. ; Question proposed, "That the words, &c.;" after long debate, Question put ; A. 241, N. 121 ; M. 120

Main Question, "That Mr. Speaker, &c." put, and agreed to ; Committee—R.P.

Committee ; Report May 25, 1197

Considered * May 26

Moved, "That the Bill be now read 3^o" May 29, 1357

Amendt. to leave out from "That," and add "in the opinion of this House, no financial arrangements can be satisfactory which are so framed as to make no provision for relieving Ireland from a burden of Taxation beyond her ability to pay as compared with Great Britain" (Mr. Mitchell Henry) v. ; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

Main Question put, and agreed to ; Bill read 3^o

1. Read 1^a * (The Lord President) May 29

Read 2^a ; Committee negatived ; Then Standing Orders Nos. XXXVII. and XXXVIII. considered, and dispensed with ; Read 3^a May 30

Royal Assent June 1

[39 Vict. c. 16]

Customs Duties Consolidation Bill

(Mr. Raikes, Mr. William Henry Smith, Mr. Chancellor of the Exchequer)

c. Considered in Committee ; Resolution agreed to, and reported ; Bill ordered ; read 1^o * June 9 [Bill 188]

Read 2^o * June 15

Customs Laws Consolidation Bill

(Mr. Raikes, Mr. William Henry Smith, Mr. Chancellor of the Exchequer)

c. Considered in Committee ; Resolution agreed to, and reported ; Bill ordered ; read 1^o * May 18 [Bill 154]

Read 2^o June 15, 1962

DALRYMPLE, Mr. C., *Buteshire*

Electoral System—Borough and County Constituencies, Res. 1458, 1462
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DAVENPORT, Mr. W. BROMLEY-, *Warwickshire, N.*

Channel Tunnel Scheme, 1665
Parliament—Derby Day, 1430

DAVIES, Mr. D., *Cardigan*

Elementary Education, 2R. 1928
Merchant Shipping, Comm. *add. cl.* 66

DEASE, Mr. E., *Queen's Co.*

Army—Miscellaneous Questions
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DENISON, Mr. C. BECKETT-, *Yorkshire, W.R., E. Div.*

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DERBY, Earl of (Secretary of State for Foreign Affairs)

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DILKE, Sir C. W., *Chelsea, &c.*

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Diocese of Exeter Bill

(*Mr. Secretary Cross, Sir Henry Selwin-Ibbetson*)
c. Motion for Leave (*Mr. Assheton Cross*) June 8, 1601; after short debate, Motion agreed to; Bill ordered; read 1^o [Bill 185]

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DIXON, Mr. G., *Birmingham*

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1. Report of Select Comm. May 26 [No. 93]
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Election of Aldermen (Cumulative Vote) Bill [Bill 46]

(Mr. Heygate, Mr. Russell Gurney, Mr. Fawcett, Mr. Wheelhouse, Mr. Morley)

a. Order for 2R. read *May* 17, 913; after short debate, further proceeding on 2R. adjourned Further proceeding on 2R. resumed *June* 2, 1662

Moved, "That the Bill be now read 2^o:"

Moved, "That the Debate be now adjourned"

(Mr. Mundella); Question put; A. 33, N. 41; M. 8

Question again proposed, "That the Bill be now read 2^o:"

Moved, "That the House do now adjourn" (Mr. Rowley Hill); after

short debate, Question put; A. 21, N. 47; M. 26

Question again proposed, "That the Bill be now read 2^o:"

Moved, "That the Debate be now adjourned" (Mr. Ramsay); Motion

agreed to; Debate adjourned

Elementary Education Act (1870)—School Boards—Primary Education

Moved for, Return of Civil Parishes (exclusive of London and municipal boroughs) under School Boards on the 1st of January, 1876, specifying those where compulsory education has been enforced (*The Earl De La Warr*) *May* 5, 96; after short debate, Motion amended, and agreed to

Return of Civil Parishes (exclusive of London and municipal boroughs) under School Boards on the 1st of January 1876, specifying those where compulsory education has been enforced, and also specifying the number and names of School Boards which have made no provision for religious instruction within the schools under their management (*The Earl De La Warr*) ordered

Elementary Education Bill

(Viscount Sandon, Mr. Chancellor of the Exchequer, Mr. Secretary Cross)

c. Orders of the Day postponed (Mr. Disraeli) Motion for Leave (Viscount Sandon) *May* 18, 929; after debate, Motion agreed to; Bill ordered; read 1^o [Bill 155]

Moved, "That the Bill be now read 2^o" *June* 15, 1897

Amendt to leave out from "That," and add

"in the opinion of this House, it is desirable that the recommendations contained in the recent Report of the Factory and Workshops Acts Commission, relating to the enforcement of the attendance of children at school, should be introduced in any measure for improving the elementary education of the people" (Mr. Mundella) v.; Question proposed, "That the words, &c.:" after long debate, Moved, "That the Debate be now adjourned" (Mr. Kay-Shuttleworth); after further short debate, Question put, and agreed to; Debate adjourned

Poor Educational Districts, Questions, Lord Robert Montagu, Mr. W. E. Forster; Answers, Viscount Sandon *May* 25, 1191

School Fees, Question. Mr. Richard; Answer, Viscount Sandon 1817

Elementary Education Provisional Order Confirmation (Hailsham, &c.) Bill [H.L.]
(*The Lord President*)

l. Presented; read 1st, and referred to the Examiners *May 30* (No. 101)
Read 2nd *June 16*

Elementary Education Provisional Order Confirmation (Hornsey) Bill [H.L.]
(*The Earl Cadogan*)

l. Presented; read 1st, and referred to the Examiners *June 1* (No. 104)

Elementary Education Provisional Order Confirmation (London) Bill [H.L.]
(*The Lord President*)

l. Presented; read 1st, and referred to the Examiners *May 30* (No. 100)
Read 2nd *June 16*

Elementary Education Provisional Order Confirmation (Tolleshunt Major) Bill [H.L.]
(*The Earl of Derby*)

l. Presented; read 1st, and referred to the Examiners *June 13* (No. 114)

ELPHINSTONE, Lord
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Elver Fishing Bill
(*Mr. Monk, Mr. Price*)
c. Ordered; read 1st *May 22* [Bill 162]

EMLY, Lord
National School Teachers (Ireland) Act, 1875, 359, 360

Employers Liability for Injury Bill
(*Mr. Macdonald, Dr. Cameron, Mr. Meldon, Mr. Bass*)

c. Moved, "That the Bill be now read 2nd" *May 24*, 1154
After short debate, Amendt. to leave out "now," and add "upon this day six months" (*Mr. Rodwell*); after further short debate, Amendt. and Motion withdrawn; Bill withdrawn [Bill 15]

ENFIELD, Viscount
Sweden—Stockholm, Episcopal Church at, 1885

Erne Lough and River Bill
(*Mr. William Henry Smith, Sir Michael Hicks-Beach*)

c. Ordered; read 1st *June 8* [Bill 187]

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Merchant Shipping, Comm. *add. cl. 55, 65, 66, 67, 92, 211, 224*; Consid. *add. cl. 1060, 1061*; *cl. 11, 1068*; *cl. 20, 1078*; 3R. 1335
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Poor Law Amendment, Comm. *cl. 28, 1766*; *add. cl. 1779*

European Assurance Society Arbitration
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EVANS, Mr. T. W., Derbyshire, S.
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Question, Mr. Macdonald; Answer, Mr. Assheton Cross *May 25*, 1190

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Factory and Workshops Acts—Legislation
Question, Mr. Sampson Lloyd; Answer, Mr. Assheton Cross *June 1*, 1520

FAWCETT, Mr. H., Hackney
Commons, Comm. Amendt. 1219, 1251, 1383, 1385; *cl. 2, 1393*; Amendt. 1394; *cl. 8, 1526, 1529*; *cl. 12, 1534*; *cl. 18, 1559*; *cl. 19, Amendt. 1561*; *cl. 25, Amendt. 1563, 1565*; *add. cl. 1570, 1574, 1576*
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FAY, Mr. C. J., Cavan Co.
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FEVERSHAM, Earl of
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Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to cause to be laid before Parliament, a Copy of a late Report on the

(cont.)

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direction of the Fine Arts in France, made by M. Edouard Charton to the French Ministry of Public Instruction ; and also praying that She will be graciously pleased to cause Her Representatives at the European Courts to report on the present attitude of the State towards the Fine Arts in the various Countries of Europe" (Sir Charles W. Dilke) *May 9, 265*

Amendt. to leave out from "That," and add "in the opinion of this House there is no ground for imputing to the Royal Academy neglect in adopting reforms with the view to promote the active development of higher Art education in England" (Mr. William Cartwright) *v.*, ; Question proposed, "That the words, &c.;" after debate, Amendt. and Motion withdrawn

FITZMAURICE, Lord E. G., *Calne*

Commons, Comm. 1232, 1380, 1383 ; *cl. 2, 1390, 1396 ; cl. 8, 1528 ; cl. 12, 1532 ; cl. 18, 1558 ; add. cl. 1566*

University of Cambridge, Leave, 834

FLOYER, Mr. J., *Dorsetshire*

Customs and Inland Revenue, Comm. 997
Poor Law Amendment, Comm. *cl. 28, 1767*

Foreign Decorations

Question, Observations, Lord Houghton ; Reply, The Earl of Derby ; short debate thereon *May 26, 1263* ; Question, Observations, Lord Oranmore and Browne ; Reply, The Earl of Derby *May 30, 1414*

FORSTER, Right Hon. W. E., *Bradford*

Education Department—Keynsham British School, 1895

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Merchant Shipping, Comm. *add. cl. 211, 217, 235 ; Consid. cl. 11, 1068, 1069, 1070 ; cl. 18, 1072*

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FORSYTH, Mr. W., *Marylebone*

Army Estimates, Works, Buildings, &c. 1649

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Question, Mr. Earp ; Answer, The Chancellor of the Exchequer *May 5, 103*

Friendly Societies Act(1875) Amendment Bill (*Mr. Chancellor of the Exchequer, Mr. William Henry Smith*)

c. Ordered ; read 1^o *May 30* [Bill 177]
Read 2^o *June 8, 1597*

GARDNER, Mr. J. T. Agg-, *Cheltenham*
Poor Law Amendment, Comm. *add. cl. 1780*

GARNIER, Mr. J. CARPENTER-, *Devon, S.*
Poor Law Amendment, Comm. *cl. 28, 1769*

Gas and Water Orders Confirmation Bill

[H.L.] (*The Lord Elphinstone*)

l. Read 2^a *May 4* (No. 55)
Committee *May 12*
Report *May 15*
Read 3^a *May 16*
c. Read 1^o *May 18* [Bill 158]
Read 2^o *May 22*
Committee *May 22* ; Report *June 1*
Read 3^o *June 12*

Gas and Water Orders Confirmation (Chapel-en-le-Frith, &c.) Bill [H.L.]

(*The Lord President*)

l. Read 2^a *May 5* (No. 59)
Committee *May 29*
Report *May 30*
Read 3^a *June 1*
c. Read 1^o *June 15* [Bill 195]

Gas Companies Act—Gas Referees

Question, Colonel Makins ; Answer, Sir Charles Adderley *May 23, 1110*

General Police and Improvement (Scotland) Provisional Order Confirmation (Paisley) Bill [H.L.]

(*The Lord Steward*)

l. Presented ; read 1^a *, and referred to the Examiners *June 13* (No. 112)

General Police and Improvement (Scotland) Provisional Order Confirmation (Perth) Bill [H.L.] (*The Lord Steward*)

l. Presented ; read 1^a *, and referred to the Examiners *June 13* (No. 113)

General Police and Improvement (Scotland) Provisional Order (Lerwick) Bill [H.L.] (*The Lord Steward*)

l. Presented ; referred to the Examiners *June 13* (No. 123)

General School of Law Bill [H.L.]
(*The Lord Selborne*)

1. Committee ; Report, after short debate *May 15*,
587 (No. 48)
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 (Mr. Hayter); after short debate, Question
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India—The Malay Peninsula

Murder of Mr. Birch, Observations, Mr. E. Noel ; Reply, Mr. J. Lowther ; debate thereon May 26, 1290

The British Resident in Salangore, Question, Sir George Campbell ; Answer, Mr. J. Lowther June 1, 1516

Indian Legislation Bill

(Lord George Hamilton, Mr. Attorney General)

c. Order for Committee discharged ; Bill withdrawn May 8, 258 [Bill 54]

Industrial and Provident Societies Bill

(Mr. Staveley Hill, Mr. Cowper-Temple, Mr. Rodwell)

c. Committee * (on re-comm.) ; Report May 10 Considered * May 12 [Bill 139]

Read 3^o * May 15

l. Read 1^a * (The Lord Hartismere) May 16 (No. 90)

Inns of Court Bill [H.L.]

(The Lord Selborne)

l. Report May 15, 587 (No. 47)
Read 3^a * May 29

Intoxicating Liquors Licensing Boards Bill

(Mr. Joseph Cowen, Sir Henry Havelock, Mr. Burt, Mr. Norwood)

c. Moved, " That the Bill be now read 2^o " May 17, 848 [Bill 6]

Amendt. to leave out " now," and add " upon this day six months " (Sir Walter Barttelot) ; after long debate, Question put, " That ' now,' &c. ; " A. 109, N. 274 ; M. 165

Words added ; main Question, as amended, put, and agreed to ; 2R. put off for six months

Intoxicating Liquors (Licensing Law Amendment) (No. 2) Bill

(*Sir Harcourt Johnstone, Mr. Birley, Sir John Kennaway, Mr. Pease*)

c. Adjourned Debate on Question [28th April]
"That the Bill be now read 2°" resumed
May 15, 753; after short debate, Question
put, and agreed to; Bill read 2° [Bill 116]

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Irish Churchyards, Question, Mr. Fay; Answer,
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Irish Parliament, Question, Mr. P. J. Smyth;
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Question, Observations, Mr. Fay; Reply,
Sir Michael Hicks-Beach; short debate
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Registry of Deeds (Dublin), Question, Mr. M.
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1117

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O'Sullivan; Answer, Sir Michael Hicks-
Beach May 16, 773

Lunatic Asylums, Question, Mr. R. Power;
Answer, Sir Michael Hicks-Beach May 25,
1193

Poor Law—Clifden Union, Question, Captain
Nolan; Answer, Sir Michael Hicks-Beach
May 12, 487

The Upper Shannon—Ballyconnell Canal,
Question, Mr. Errington; Answer, Sir
Michael Hicks-Beach May 22, 1035

Ireland—Grand Juries—cont.

"(2) That the grand jury should annually at
the summer assizes appoint from amongst
their body a committee to represent the
grand jury for certain limited purposes;

"(3) That the baronial presentment sessions
should be composed of justices of the peace
qualified in respect of residence or property
in such barony and of the poor law guardians
elected to serve for the electoral divisions
wholly or partly situate within such barony;

"(4) That the county at large presentment
sessions should be composed of persons
elected by the several members composing
the baronial presentment sessions in such
county" (*The Earl of Donoughmore*) May 30,
1401; after short debate, Motion withdrawn

Ireland—Poor Law Rating

Moved, "That the system of Poor Law Rating
in Ireland should be assimilated to that of
England by the adoption of Union Rating"
(*Mr. O'Shaughnessy*) May 16, 837; after
short debate, Motion withdrawn

Ireland—Public-Houses—Sunday Closing

Amendt. on Committee of Supply May 12, To
leave out [from "That," and add "in the
opinion of this House, it is expedient that
the Law which forbids the general sale of
Intoxicating Liquors during a portion of
Sunday in Ireland should be amended so as
to apply to the whole of that day" (*Mr.
Richard Smyth*) v., 492; Question proposed,
"That the words, &c.;" after long debate,
Question put; A. 167, N. 224; M. 57

Division List, A. and N., 580

Words added; main Question, as amended,
put, and agreed to

Questions, Mr. R. Smyth; Answers, The
Chancellor of the Exchequer May 18, 920;
May 26, 1275

Ireland—Royal Irish Constabulary (Mr. John Croker)

Moved, "That the punishment inflicted on Mr.
John Croker, late Sub-Inspector in the Royal
Irish Constabulary, by reduction in rank in
1867 and subsequent dismissal from that
force, for offences of which he declared him-
self to be innocent, without first affording
him an opportunity of proving his innocence
before an independent tribunal, was not just;
and, in the opinion of the House, such oppor-
tunity ought now to be given" (*Mr. Bruen*)
May 30, 1434; after short debate, Motion
withdrawn

Irish Peerage Bill [H.L.]

(*The Lord Inchiquin*)

l. Report May 8, 189 (No. 32)

Read 3° May 9

c. Read 1° (*Mr. Gibson*) May 15 [Bill 149]

Read 2° May 17

Committee °—R.P. May 24

ISAAC, Mr. S., Nottingham

Elementary Education Act, 1870—Clause 6,
1183

[cont.]

Ireland—Grand Juries

Moved, "(1) That no person should be sum-
moned to serve on the grand jury of any
county who is not possessed of a fixed pro-
perty qualification in such county;

Italy and Malta—Commercial Treaty

Question, Mr. Potter; Answer, Mr. J. Lowther
May 11, 367

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England and Wales—New Domesday Book,
1972

Public Health—Solihull Sanitary Authority,
1973

Supply—Chancery Division of the High Court
of Justice, &c. 1318

JAMES, Sir H., Taunton

Appellate Jurisdiction, 2R. 1693

Commons, Comm. *add. cl.* 1573

Merchant Shipping, Comm. *add. cl.* 65, 233;
Consid. *add. cl.* 1059

Poor Law Amendment, Comm. *cl.* 12, 1596

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Merchant Shipping, Comm. *add. cl.* 70, 74;
Consid. *add. cl.* 1062

Navy — H.M.S. "Caledonia" — The "Lion"
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Army—Captain Roberts, 94th Regiment, 1970,
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885

Merchant Shipping, Consid. *add. cl.* 1060;
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JENKINSON, Sir G. S., Wiltshire, N.

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Merchant Shipping, Consid. *add. cl.* 1061, 1274

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Official Referees, Question, Mr. Waddy; An-
swer, The Chancellor of the Exchequer
May 16, 774; Question, Mr. Charles Lewis;
Answer, The Chancellor of the Exchequer
May 30, 1419

The Assizes, Question, Mr. Cole; Answer,
Mr. Assheton Cross May 18, 921; Question,
Mr. Cole; Answer, The Attorney General
May 25, 1187

The Court of Appeal, Observations, Question,
Lord Selborne; Answer, The Lord Chan-
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Mr. Ryder; Answer, Mr. Assheton Cross
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(Sir Michael Hicks-Beach, Mr. Solicitor General
for Ireland)

c. Read 2^o May 29

[Bill 126]

Committee*; Report May 30

Jurors Qualification (Ireland) Bill

(Sir Michael Hicks-Beach, Mr. Solicitor General
for Ireland)

c. Read 2^o, after short debate June 12, 1753

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- c. Read 2^o * May 4 [Bill 136]
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KNOWLES, Mr. T., Wigan

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LACON, Sir E., Norfolk, N.

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LAING, Mr. S., Orkney, &c.

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- c. Ordered ; read 1^o * May 3 [Bill 142]

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Local Finance — Indebtedness of Local Authorities

Question, Mr. Rathbone; Answer, Mr. W. H. Smith May 25, 1185; Question, Mr. Rathbone; Answer, Mr. Sclater-Booth May 29, 1353

Local Taxation—Amount and Distribution, Question, Mr. Pell; Answer, The Chancellor of the Exchequer May 15, 669

Local Government Act—Harrogate Board of Health

Question, Mr. Mills; Answer, Mr. Sclater-Booth June 15, 1896

Local Government Board's Provisional Orders Confirmation (Birmingham, &c.) Bill [H.L.] (The Earl of Jersey)

1. Presented; read 1^a*, and referred to the Examiners June 13 (No. 111)

Local Government Board's Provisional Orders Confirmation (Carnarvon, &c.) Bill [H.L.] (The Earl of Jersey)

1. Presented; read 1^a*, and referred to the Examiners June 1 (No. 105)

Local Government Board's Provisional Orders Confirmation (Chelmsford, &c.) Bill [H.L.] (The Earl of Jersey)

1. Presented; read 1^a*, and referred to the Examiners June 13 (No. 110)

Local Government Provisional Orders Bill (The Lord President)

1. Read 2^a* May 4 (No. 54)
Committee*; Report May 5
Read 3^a* May 8
Royal Assent June 1 [39 Vict. c. 15]

Local Government Provisional Orders (No. 2) Bill (The Earl of Jersey)

1. Read 2^a* May 8 (No. 62)
Committee*; Report May 9
Read 3^a* May 11
Royal Assent June 1 [39 Vict. c. 14]

Local Government Provisional Orders (No. 3) Bill (The Earl of Jersey)

1. Read 2^a* May 8 (No. 63)
Committee*; Report May 9
Read 3^a* May 11
Royal Assent June 1 [39 Vict. c. 15]

Local Government Provisional Orders, Aberavon, &c. (No. 7) Bill (Mr. Salt, Mr. Sclater-Booth)

c. Ordered* May 23
Read 1^o* May 24 [Bill 164]
Read 2^o* May 29
Committee*; Report June 8
Read 3^o* June 12
1. Read 1^a* (Earl Jersey) June 13 (No. 108)

Local Government Provisional Orders, Bristol, &c. (No. 6) Bill (Mr. Salt, Mr. Sclater-Booth)

c. Ordered; read 1^o* May 10 [Bill 147]
Read 2^o* May 15
Committee discharged; referred to Select Committee May 25
Committee* (on re-comm.); Report June 15
Considered* June 16

Local Government Provisional Orders, Briton Ferry, &c. (No. 4) Bill (Mr. Salt, Mr. Sclater-Booth)

c. Committee*; Report May 8 [Bill 134]
Considered* May 11
Read 3^o* May 12
1. Read 1^a* (Earl Jersey) May 15 (No. 87)
Read 2^a* May 23
Committee*; Report May 26
Read 3^a* May 29
Royal Assent June 1 [39 Vict. c. 16]

Local Government Provisional Orders, Skelmersdale (No. 5) Bill (Mr. Salt, Mr. Sclater-Booth)

c. Committee*; Report May 8 [Bill 135]
Considered* May 11
Read 3^o* May 12
1. Read 1^a* (Earl Jersey) May 15 (No. 88)
Read 2^a* May 23
Committee*; Report May 26
Read 3^a* May 29
Royal Assent June 1 [39 Vict. c. 17]

Local Light Dues (Reduction) Bill

(*Mr. Sykes, Mr. Norwood, Mr. Wilson*)

c. Ordered ; read 1^o * *May 26* [Bill 173]

Read 2^o * *June 12*

Order for Committee read ; Moved, "That Mr. Speaker do now leave the Chair" *June 15, 1862* ; after short debate, Question put ; A. 98, N. 23 ; M. 75

Main Question, "That Mr. Speaker, &c." put, and agreed to

Moved, "That the Chairman do report Progress, and ask leave to sit again" (*Mr. Dodds*) ; after short debate, Question put ; A. 10, N. 96 ; M. 86 ; Bill reported

LONDON, Bishop of

Burial, Law of, Res. 638

Sweden — Stockholm, Episcopal Church at, 1888

Union of Benefices, 2R. 759

LOPES, Mr. H. C., *Frome*

Commons, Comm. cl. 4, 1524 ; cl. 8, Amendt. 1525, 1528 ; add. cl. 1575

Royal Titles Act Proclamation—Vote of Censure, Res. 421

LOWE, Right Hon. R., *London University*

Electoral System—Borough and County Constituencies, Res. 1468

India—Nizam State Railway—Loans to Indian Princes, 1346

London Municipal Government, Res. 1806

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University of Oxford, 2R. 1748

LOWTHER, Mr. J. (Under Secretary of State for the Colonies), *York City*

Barbadoes—Riots, 44 ;—Governor Hennessy, 158, 265

Dahomey—Bombardment, The Threatened, 671

Fenian Prisoners, Escape of, 1604

H.R.H. The Prince of Wales — Nobility of Malta, The, 670, 1667

India—Malay Peninsula—Birch, Mr., Murder of, 1303

Salangore, British Resident in, 1516

Italy, Commercial Treaty with—Malta, 367

Malta—Civilian Government, 1667

Malta, Taxation in, Res. 1985, 1988

Newfoundland Fisheries—French Shore, 667

Post Office—South Africa, Telegraphic Communication with, 672

Sierra Leone—Financial Position, 1040

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Windward Islands—Disturbances, 367

LUBBOCK, Sir J., *Maidstone*

Bankers Books Evidence, 2R. 1597

Customs and Inland Revenue, 2R. 744 ; Comm. cl. 2, 1198

Joint Stock Companies Act — Arrest of an Official Liquidator at Hamburgh, 926

LUSH, Dr. J. A., *Salisbury*

Poor Law Amendment, Comm. add. cl. 1775

LUSK, Sir A., *Finsbury*

Merchant Shipping, Comm. add. cl. 64, 66, 68, 229 ; Consid. add. cl. 1064

Offences against the Person, Comm. 1784

Poor Law Amendment, Comm. add. cl. 1774

MCARTHUR, Mr. A., *Leicester*

Post Office—South Africa, Telegraphic Communication with, 672

MCARTHUR, Mr. Alderman W., *Lambeth*

Endowed Schools—Tideswell Grammar School, 1515

India—Indian Gaols, 1515

MACARTNEY, Mr. J. W. E., *Tyrone*

Public Houses (Ireland)—Sunday Closing, Res. 549

MACDONALD, Mr. A., *Stafford*

Colliery Accidents—Wigan Collieries, 1760

Commons, Comm. cl. 2, 1406

Employers Liability for Injury, 2R. 1154, 1181

Explosive Substances Act, 1875 — Dynamite Explosion in South Wales, 1190

Merchant Shipping, Comm. add. cl. 61, 91, 225

Poor Law Amendment, Comm. cl. 28, 1768 ; add. cl. 1777

MACGREGOR, Mr. D. R., *Leith, &c.*

Merchant Shipping, Comm. add. cl. 70, 92, 215 ;

Consid. add. cl. 1061 ; cl. 4, 1066 ; cl. 11,

1068 ; cl. 18, 1072, 1073 ; cl. 19, 1076 ;

cl. 20, Amendt. ib., 1077 ; 3R. 1335

MAC IVER, Mr. D., *Birkenhead*

Merchant Shipping, Comm. add. cl. 56, 66, 67, 70, 215, 219, 226, 234, 235 ; Consid. add. cl.

1057, 1063 ; cl. 4, Amendt. 1065 ; Amendt.

1066 ; Amendt. 1067 ; cl. 11, Amendt. 1068 ;

cl. 19, Amendt. 1076 ; cl. 26, Amendt. 1082, 1274

McKENNA, Sir J. N., *Youghal*

Bankers Deposits—Financial Panics, Res. 778, 794

Customs and Inland Revenue, 3R. 1376

McLAGAN, Mr. P., *Linkithgowshire*

Pollution of Rivers, Leave, 1600

McLAREN, Mr. D., *Edinburgh*

Poor Law Amendment, Comm. cl. 28, 1769

MAKINS, Lieut.-Colonel W. T., *Essex, S.*

Army Chaplains—Compensation, 1664

Elementary Education, Leave, 960 ; 2R. 1927

Gas Companies Act—Gas Referees, 1110

Malta

Civilian Government, Question, Mr. Anderson ; Answer, Mr. J. Lowther *June 12, 1666*

Commercial Treaty with Italy, Question, Mr. Potter ; Answer, Mr. J. Lowther *May 11, 367*

H.R.H. the Prince of Wales—The Nobility of Malta, Question, Observations, Viscount Sidmouth ; Reply, The Earl of Carnarvon

(cont.)

Malta—cont.

May 11, 362; Questions, Sir George Bowyer; Answers, Mr. J. Lowther *May* 15, 670; *June* 12, 1867;—*Privileges*, Question, Viscount Sidmouth; Answer, The Earl of Carnarvon *June* 16, 1865

Malta—Taxation on Grain and Cattle

Amendt. on Committee of Supply *June* 16, To leave out from "That," and add "in the opinion of this House, it is inexpedient in policy, and mischievous as an example to other Nations on the shores of the Mediterranean, to continue to levy ten shillings a quarter on wheat imported into the island of Malta, and other high Duties of a protective character on grain and cattle" (*Mr. Potter*) *v.*, 1976; Question proposed, "That the words, &c.;" after debate, Question put; A. 130, N. 84; M. 46

MANNERS, Right Hon. Lord J. J. R. (Postmaster General), *Leicestershire, N.*

Fine Arts, Motion for an Address, 303
Post Office—Telegraph System, 1053

Maritime Contracts Bill

Question, Mr. J. G. Hubbard; Answer, The Chancellor of the Exchequer *May* 4, 42

Market Juries (Ireland) Bill

(*Sir Colman O'Loughlen, Mr. Maurice Brooks, Mr. Patrick Martin*)

c. Read 2^o *May* 16 [Bill 117]

MARLING, Mr. S. S., *Stroud*

Commons, Comm. cl. 8, 1528

MARTEN, Mr. A. G., *Cambridge*

Appellate Jurisdiction, 2R. 1699
Commons, Comm. cl. 8, Amendt. 1524
Merchant Shipping, Comm. add. cl. 55
Parliamentary and Municipal Registration (Boroughs), 2R. 1783
Registration of Voters (Ireland), 2R. 20

MARTIN, Mr. P. W., *Rochester*

Commons, Comm. cl. 2, 1397

Medical Act Qualifications Bill

(*Mr. Russell Gurney, Mr. John Bright*)

c. Ordered; read 1^o *May* 25 [Bill 170]

MELDON, Mr. C. H., *Kildare*

Clerk of the Peace and of the Crown (Ireland), 2R., Motion for Adjournment, 1338
County Rates (Ireland), 2R. 306
Duchy of Lancaster and Agricultural Holdings (England) Act, Res. 1281
Education (Ireland)—Irish National School Teachers, 1349
Employers Liability for Injury, 2R. 1181
Ireland—Kingstown Harbour, 1116
Judicature Act, 1875—Eleventh Section, 1422
Law Appointments (Ireland)—James Devine, Case of, 1349

MELDON, Mr. C. H.—cont.

Poor Law (Scotland), 2R. 260
Registration of Voters (Ireland), 2R. 1
Royal Irish Constabulary (Mr. John Croker), Res. 1437, 1439, 1440

MELLOR, Mr. T. W., *Ashton-under-Lyne*

Poor Law Amendment, Comm. cl. 20, Amendt. 1765
Supply—New Courts of Justice and Offices, 1591
Royal Parks and Gardens, 1584

Mercantile Marine

MISCELLANEOUS QUESTIONS

Greece—Loss of the "Agrigento," Question, Mr. T. E. Smith; Answer, Mr. Bourke *June* 13, 1762
"Lily of Devon," *The*, Question, Mr. Bates; Answer, Mr. Assheton Cross *May* 18, 925
"Locksley Hall," *The*, Question, Mr. Muntz; Answer, Mr. Assheton Cross *May* 4, 41; Question, Mr. Muntz; Answer, The Attorney General *May* 11, 368
Shipwrecked Vessels, Question, Mr. Rathbone; Answer, Mr. Hunt *May* 25, 1190
Wrecks off Dungeness, Question, Sir Edward Watkin; Answer, Sir Charles Adderley *May* 29, 1356

Merchant Shipping Acts

MISCELLANEOUS QUESTIONS

Grain Cargoes, Question, Mr. Plimsoll; Answer, Sir Charles Adderley *June* 1, 1519
Holyhead Harbour—Wreck of the Steamship "Edith," Question, Mr. Serjeant Sherlock; Answer, Sir Charles Adderley *May* 15, 670
Light Dues, Question, Mr. Grieve; Answer, The Chancellor of the Exchequer *June* 16, 1971
Lighthouse on Coningbeg Rock, Question, Mr. Richard Power; Answer, Sir Charles Adderley *May* 29, 1352
Surgeons, Question, Captain Pim; Answer, Sir Charles Adderley *May* 5, 105

Merchant Shipping Bill (*Mr. Raikes, Sir Charles Adderley, Mr. Edward Stanhope*)

c. Committee—R.P. *May* 4, 53 [Bill 49]
Committee; Report *May* 8, 208
Considered *May* 22, 1054 [Bill 144]
Questions, Sir Charles Adderley, Sir Charles W. Dilke; Answers, Sir George Jenkinson, Mr. Mac Iver *May* 26, 1274
Read 3^o, after short debate *May* 26, 1334
l. Read 1^o (*The Lord President*) *May* 29 (No. 99)

Merchant Service Officers—Examinations

Moved, "That it is expedient that voluntary examinations should be held under the Board of Trade in modern languages and commercial law, and that further inducements should be given to merchant officers to study at the Naval University at Greenwich" (*Mr. T. Brassey*) *May* 16, 794; after short debate, Motion withdrawn

[cont.]

METROPOLIS

MISCELLANEOUS QUESTIONS

Courts of Justice, New, Question, Mr. Gregory ; Answer, Lord Henry Lennox *May 4*, 34

Metropolis Improvements — Northumberland Avenue, Question, Mr. Anderson ; Answer, Sir James Hogg *May 8*, 205

National Gallery — The New Buildings, Questions, Mr. Cowper-Temple, Mr. Monk ; Answers, Lord Henry Lennox *May 30*, 1422

Patent Office and Museum, South Kensington, Question, Mr. Samuelson ; Answer, Mr. W. H. Smith *May 30*, 1421

The Art Library, South Kensington, Questions, Mr. Torrens, Mr. John Bright ; Answers, Viscount Sandon *May 5*, 104

New Public Offices—Site, Question, Mr. James ; Answer, Lord Henry Lennox *May 29*, 1350

Street Traffic—Hyde Park Corner, Question, Lord Ernest Bruce ; Answer, Lord Henry Lennox *May 26*, 1273

The Parks

Hyde Park — Rotten Row, Question, Lord Randolph Churchill ; Answer, Lord Henry Lennox *May 15*, 672

St. James's Park, Question, Lord Francis Hervey ; Answer, Lord Henry Lennox *June 12*, 1864 ; — *The Ornamental Water*, Question, Mr. Monk ; Answer, Lord Henry Lennox *May 29*, 1350

Victoria Park, Question, Mr. J. Holms ; Answer, Lord Henry Lennox *May 18*, 927

Metropolis—Hyde Park Corner

Question, Lord Ernest Bruce ; Answer, Lord Henry Lennox *May 26*, 1273

Amendt. on Committee of Supply *June 8*, To leave out from "That," and add "the annually increasing congestion of traffic in the approaches to Hyde Park Corner has become the source of hindrance, annoyance, and danger to the public, and merits the early attention of this House" (*Mr. Christopher Beckett Denison*) *v.*, 1576 ; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

Metropolis—Municipal Government

Moved, "That the reform of the government of the Metropolis, with a view to its more efficient, uniform, and economical administration, is a question of primary importance, and deserves the early attention of Her Majesty's Government" (*Lord Elcho*) *June 13*, 1784 ; after debate, Motion withdrawn [See title *City of London Companies, Address for a Return* (*Mr. James*)

Metropolis Gas Act, 1860

Gas Companies' Accounts, Question, Sir Charles W. Dilke ; Answer, Mr. W. H. Smith *May 8*, 204

Gas Referees, Question, Colonel Makins ; Answer, Sir Charles Adderley *May 23*, 1110

Metropolis Gas Companies Bill

(*Sir James Hogg, Sir Andrew Lusk, Mr. Goldney*)

c. Read 2^o, and referred to a Select Committee *May 9*, 305 [Bill 28]

Metropolis (Whitechapel and Limehouse) Improvement Scheme Confirmation Bill [H.L.] (*The Lord Steward*)

l. Presented ; read 1st, and referred to the Examiners *June 15* (No. 120)

Metropolitan Commons (Barnes) Bill

(*Sir Henry Selwin-Ibbetson, Mr. Secretary Cross*)

c. Ordered ; read 1^o * *June 1* [Bill 181]

Read 2^o * *June 12*

Bill withdrawn * *June 15*

Metropolitan Commons (Barnes) Bill [H.L.]

(*The Lord Steward*)

l. Presented ; read 1st, and referred to the Examiners *June 15* (No. 119)

Metropolitan Street Improvements Act, 1872—Clause 49

Question, Mr. Kay-Shuttleworth ; Answer, Sir James Hogg *May 11*, 364

MIDDLETON, Viscount

Burial, Law of, Res. 636

MILLS, Mr. A., Exeter

Elementary Education, Leave, 958 ; 2R. 1950
Local Government Act—Harrogate Board of Health, 1896

Permissive Prohibitory Liquor, 2R. 1837

MONK, Mr. C. J., Gloucester City

Endowed Schools—Perse Grammar School, 1763

Gloucester District Registry, 925

Metropolis—St. James's Park, Ornamental Water in, 1350

National Gallery—New Buildings, 1423

MONTAGU, Right Hon. Lord R., Westmeath

Army and Navy Expenditure Accounts, Audit of, 2010

Egypt—Ministry of Finance—The Decree, 775, 776

Elementary Education, Leave, 959 ; 2R. 1941

Elementary Education Bill—Poor Educational Districts, 1191, 1192

Pollution of Rivers, Leave, 1600

MOORE, Mr. A. J., Clonmel

Army—Guards, Brigade of, Special Allowances to the, 1989

Navy—Creed Register, 928

MORGAN, Mr. G. Osborne, Denbighshire

Barristers and Advocates Fees, 2R. 338

Royal Titles Act Proclamation—Vote of Censure, Res. 440

Supply—Chancery Division of the High Court of Justice, &c. 1325

University of Oxford, 2R. Amendt. 1721

MORLEY, Mr. S., *Bristol*

Permissive Prohibitory Liquor, 2R. 1834

MORRIS, Mr. G., *Galway*

India—Army Furlough Rules, 919

Poor Law Rating (Ireland), Res. 842

Poor Law Rating (Ireland), 2R. 2024

MUNDELLA, Mr. A. J., *Sheffield*

Education Department — Keynsham British School, 1894, 1895, 1974

Election of Aldermen (Cumulative Vote), 2R. Motion for Adjournment, 1662

Elementary Education, Leave, 954; 2R. Amendt. 1897

Merchant Shipping, Comm. *add. cl.* 210, 226

Wild Fowl Preservation, Comm. 1662

Municipal Corporations (England and Wales), Unreformed

The Commission, Observations, Sir Charles W. Dilke, Mr. Assheton Cross *May* 5, 182

Yarmouth and Brading, Isle of Wight, Observations, Mr. Baillie Cochrane; short debate thereon *June* 9, 1619

Municipal Privileges (Ireland) Bill

(*Mr. Maurice Brooks, Mr. Butt, Mr. Ronayne*)

c. Committee*; Report *May* 9 [Bill 39]

MUNTZ, Mr. P. H., *Birmingham*

Army Estimates—Full Pay of Reduced and Retired Officers and Half Pay, 1658

Military Education, Establishments for, 1657

Warlike and other Stores, 1638, 1647

Works, Buildings, &c. 1653

Customs and Inland Revenue, 2R. 684, 735; Comm. 971

Malta, Taxation in, Res. 1988

Mercantile Marine — “Locksley Hall,” *The*, 41, 42, 368

Metropolis — Hyde Park Corner, Traffic at, 1274

Permissive Prohibitory Liquor, 2R. 1858

Poor Law Amendment, Comm. *cl.* 28, 1769; *add. cl.* 1779

MURE, Colonel W., *Renfrew*

Army Corps Training, 2R. 1753

Army Recruiting, 1663

Turkey—Eastern Question—The Papers, 1423

MURPHY, Mr. N. D., *Cork City*

Merchant Shipping, Comm. *add. cl.* 220

Public Houses (Ireland) — Sunday Closing, Res. 510

NAGHTEN, Mr. A. R., *Winchester*

Army—Adjutants of Militia, 262

NAVY**MISCELLANEOUS QUESTIONS**

Arctic Expedition—Officers of the “Pandora,” Question, Mr. Baillie Cochrane; Answer, Mr. Hunt *May* 23, 1110

NAVY—cont.

Army and Navy Surgeons—Foreign Diplomas, Question, Dr. Brady; Answer, Mr. Gathorne Hardy *May* 16, 777

Audit of Army and Navy Expenditure Accounts, Observations, Mr. J. Holms; Reply, The Chancellor of the Exchequer; short debate thereon *June* 16, 2001

Collision of the “Alberta” and the “Mistake” —Captain Welch, Question, Mr. Anderson; Answer, Mr. Hunt *May* 25, 1194

Commanders—Order in Council, 1864, Question, Mr. Hanbury-Tracy; Answer, Mr. Hunt *May* 5, 104

Committee on Royal Naval Engineers, Question, Captain Price; Answer, Mr. Hunt *May* 25, 1193

Condemned Provisions—The Return, Question, Mr. Plimsoll; Answer, Mr. Hunt *June* 1, 1519

Creed Register, Question, Mr. Arthur Moore; Answer, Mr. Hunt *May* 18, 928

Engineer Officers and Engine-Room Artificers, Question, Mr. Gorst; Answer, Mr. Hunt *May* 22, 1040; Observations, Mr. Gorst; Reply, Mr. Hunt *June* 16, 2013

Engineer Service, The, Question, Mr. Paleston; Answer, Mr. Hunt *May* 4, 44

H.M.S. “Caledonia”—The “Lion” Training Ship, Question, Mr. D. Jenkins; Answer, Mr. Hunt *June* 9, 1602

H.M.S. “Vanguard,” Question, Mr. D. Jenkins; Answer, Mr. Hunt *May* 25, 1194

Naval Discipline Act—Flogging in the Navy, Question, Mr. P. A. Taylor; Answer, Mr. Hunt *May* 12, 487

Naval Officers and the Press, Question, Mr. E. J. Reed; Answer, Mr. Hunt *May* 4, 36

Navigating Officers, Question, Mr. Hanbury-Tracy *June* 16, 2012

Navy Estimates—Repairs, Question, Mr. Rylands; Answer, Mr. Hunt *June* 14, 1820

Officers holding Civil Appointments, Question, Mr. Stacpoole; Answer, The Attorney General *May* 4, 37

Officers of Marines—Retirement, Question, Captain Price *June* 16, 2012

Promotion to Flag Rank, Question, Observations, The Earl of Camperdown; Reply, Lord Elphinstone; short debate thereon *May* 26, 1257

Royal Naval Artillery Volunteers, Question, Captain Pim; Answer, Mr. Hunt *May* 16, 774

Sub-Lieutenants, Question, Mr. Cogan; Answer, Mr. Hunt *May* 25, 1186

The Dockyards

Admission of Foreign Officers, Question, Mr. Hanbury-Tracy; Answer, Mr. Hunt *May* 29, 1348

New Dock at Devonport, Question, Mr. E. J. Reed; Answer, Mr. Hunt *May* 4, 41

Navy—Designs of Ships of War—Petition of Mr. Charles Henwood

Question, Sir Edward Watkin; Answer, Colonel Beresford *May* 22, 1038

Amendt. on Committee of Supply *June* 9, To leave out from “That,” and add “a Select Committee be appointed to inquire into the

[cont.]

[cont.]

Navy—Designs of Ships of War—Petition of Mr. Charles Henwood—cont.

case of Mr. Charles Henwood" (*Colonel Beresford*) v., 1609; after short debate. Question, "That the words, &c.," put, and agreed to

Question, Colonel Beresford; Answer, Mr. Hunt *June 13, 1763*

Navy—Ships of War

Amendt. on Committee of Supply *May 8*, To leave out from "That," and add "this House, while approving the programme of work on iron-clad ships for the ensuing financial year, is of opinion that the present is a fitting opportunity for reviewing our ship-building policy, and the resources of the mercantile marine for naval purposes; and this House is further of opinion that such inquiry should be held by a Royal Commission" (*Mr. T. Brassey*) v., 235; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

NELSON, Earl

Burial, Law of, Res. 645

Ecclesiastical Offices and Fees, Comm. 1964

NEVILLE-GRENVILLE, Mr. R., Somersetshire, Mid

Commons, Comm. cl. 2, 1390, 1398

Fine Arts, Motion for an Address, 303

Poor Law (Scotland), 2R. 260

Supply—Chancery Division of the High Court of Justice, &c. 1326

NEWDEGATE, Mr. C. N., Warwickshire, N.

City of London Companies, Address for a Return, 1151

Electoral System—Borough and County Constituencies, Res. 1492

London Municipal Government, Res. 1796

Parliament—Privilege—Public Petitions, Personal Explanation, 583

University Education (Ireland), Leave, 826

University of Oxford, 2R. 1747

New Forest—Inclosure at Stoneycross

Question, Mr. Cowper-Temple; Answer, Mr. W. H. Smith *May 4, 34; May 30, 1425*

Newfoundland Fisheries — The French Shore

Question, Captain G. E. Price; Answer, Mr. J. Lowther *May 15, 667*

NOEL, Right Hon. G. J., Rutland

Permissive Prohibitory Liquor, 2R. 1848

Public Schools—Uppingham School, 49

NOEL, Mr. E., Dumfries, &c.

India—Malay Peninsula—Birch, Mr., Murder of, 1290

NOLAN, Captain J. P., Galway Co.

Army—Miscellaneous Questions

Army Recruiting, 1635

Forage to Mounted Officers, 1353

Mobilization of the Forces—Army Estimates, 1421

Royal Artillery—Non-Commissioned Officers, 1603

Army Corps Training, 2R. 1752

Army Estimates—Military Education, Establishments for, 1655, 1657

Warlike and other Stores, 1639, 1647

Works, Buildings, &c. 1654

Barbadoes—Riots, The—Governor Hennessy, 151

Civil Departments (Employment of Soldiers), Nomination of Committee, Amendt. 754

Commons, Comm. Motion for reporting Progress, 1252

Customs and Inland Revenue, Comm. 997

Jurors Qualification (Ireland), 2R. 1754

National Schools (Ireland), 46

Poor Law Amendment, Comm. cl. 28, 1767, 1771

Poor Law (Ireland)—Clifden Union, 487

Prisons, Leave, 1552

Registration of Voters (Ireland), 2R. 19

Royal Irish Constabulary (Mr. John Croker), Res. 1441

University Education (Ireland), Leave, 827

NORTHCOTE, Right Hon. Sir S. H.
(*see* Chancellor of the Exchequer)

NORWOOD, Mr. C. M., Kingston-upon-Hull

Barristers and Advocates Fees, 2R. 307, 349

Intoxicating Liquors (Licensing Boards), 2R. 902

Merchant Shipping, Comm. add. cl. 67, 70, 95, 210, 225; Consid. cl. 11, 1070; cl. 22, 1080; cl. 31, Amendt. 1082

Notices to Quit (Ireland) Bill

(*Sir Colman O'Loughlen, Mr. Downing, Mr. Patrick Martin*)

c. Read 2^o * *May 18* [Bill 114]
Committee *; Report *May 22* [Bill 160]
Committee * (*on re-comm.*)—R.F. *June 16*

Nullum Tempus (Ireland) Bill

(*Sir Colman O'Loughlen, Mr. Meldon*)

c. Ordered; read 1^o * *May 24* [Bill 167]
Read 2^o * *June 13*

O'BRIEN, Sir P., King's Co.

Commons, Comm. Motion for reporting Progress, 1252, 1253

O'CONOR DON, The, Roscommon Co.

Customs and Inland Revenue, 3R. 1368

Jurors Qualification (Ireland), 2R. 1754

Public Houses (Ireland)—Sunday Closing, Res. 502

Supreme Court of Judicature (Ireland), 2R. 1756

University Education (Ireland), Leave, 825

O'CONOR, Mr. D. M., *Sligo Co.*
Monastic and Conventual Institutions, Petition,
846

Offences against the Person Bill
(*Mr. Charley, Mr. Whitwell*)

c. Committee—R.P., after short debate *June 13*,
1784 [Bill 1]

O'GORMAN, Major P., *Waterford*
Public Houses (Ireland)—Sunday Closing, Res.
577

O'HAGAN, Lord
Irish Peerage, Report, 200
Supreme Court of Judicature (Ireland), Report,
763

**O'LOGHLEN, Right Hon. Sir O. M.,
*Clare Co.***
Appellate Jurisdiction, 2R. 1705
Clerk of the Peace and of the Crown (Ireland),
2R. Amendt. 1338
Elections, Corrupt Practices at, 918
Merchant Shipping, Consid. cl. 10, Amendt.
1067; cl. 25, Amendt. 1081
Poor Law Rating (Ireland), 2R. 2024
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1756

ONSLOW, Mr. D. R., *Guildford*
Elementary Education, 2R. 1930
Royal Titles Act Proclamation, Notice of
Res. 51

ORANMORE AND BROWNE, Lord
Education—Reports for the Year 1875, 1260
Foreign Decorations, 1268, 1414
National School Teachers (Ireland) Act, 1875,
360

O'REILLY, Mr. M. W., *Longford Co.*
Customs and Inland Revenue, 2R. 711
India—Army—Orphans of Soldiers, Allowances
to, 369
Public Houses (Ireland)—Sunday Closing,
Res. 507

O'SHAUGHNESSY, Mr. R., *Limerick*
Navy Estimates—Scientific Departments, 2021
Poor Law Rating (Ireland), Res. 887, 845
Poor Law Rating (Ireland), 2R. 2024

O'SULLIVAN, Mr. W. H., *Limerick Co.*
Poor Law Rating (Ireland), Res. 845
Sheriffs (Ireland)—Levies, Retention of, 773
Ways and Means, Comm. Motion for reporting
Progress, 1032

**Owners of Land (England and Wales)—
*The New Domesday Book***
Question, Sir Henry Jackson; Answer, Mr.
Selater-Booth *June 16*, 1972

(OXFORD) Bishop of
Burials in Churchyards, 2R. 1091

Oxford University Bill—See title
University of Oxford Bill

**Oyster and Mussel Fisheries Order Con-
firmation Bill [H.L.]**
(*The Lord President*)

l. Presented; read 1st, and referred to the
Examiners *May 15* (No. 56)
Read 2nd *May 22*
Committee^o; Report *June 1*
Read 3rd *June 13*
c. Read 1st *June 15* [Bill 196]

PAGET, Mr. R. H., *Somersetshire, Mid*
Poor Law Amendment, Comm. add. cl. 1773,
1774
Prisons, Leave, 1552

PALMER, Mr. C. M., *Durham, N.*
Criminal Law—Political Prisoners, Release of,
1046
Merchant Shipping, Comm. add. cl. 78, 232

Parliament

LORDS—

The Whitsuntide Recess, Question, Earl Gra-
ville; Answer, The Duke of Richmond and
Gordon *May 26*, 1254

Private Bills

Ordered, That the time for depositing petitions
praying to be heard against Private Bills,
which would otherwise expire during the
adjournment of the House at Whitsuntide,
be extended to the first day on which the
House shall sit after the recess *May 29*

COMMONS—

Cab Shelter in Palace Yard, Question, Mr.
Benett-Stanford; Answer, Lord Henry
Lennox *May 4*, 48
Palace of Westminster—The Clock Tower,
Question, Mr. Ritchie; Answer, Lord Henry
Lennox *May 18*, 917;—*Mr. Herbert's*
Picture, Question, Mr. Serjeant Simon;
Answer, Lord Henry Lennox *June 1*, 1514

Business of the House

Ascension Day, Ordered, That Committees
shall not sit upon Thursday, being Ascension
Day, until Two of the clock, and have leave
to sit until Six of the clock, notwithstanding
the sitting of the House (*Mr. Chancellor of*
the Exchequer) *May 23*

The Derby Day—Adjournment of the House,
Question, Mr. James; Answer, The Chancel-
lor of the Exchequer *May 26*, 1275

Moved, "That the House, at its rising, do ad-
journ till Thursday next" (*Mr. Disraeli*)
May 30, 1425; after short debate, Question
put; A. 207, N. 118; M. 89

Whitsuntide Recess—Arrangement of Public
Business, Moved, "That the House, at its
rising, do adjourn till Thursday next" (*Mr.*
Disraeli) *June 1*, 1522; after short debate
Motion agreed to

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PARLIAMENT—COMMONS—cont.

Public Business

Arrangement of Business, Questions, Mr. W. E. Forster, Mr. Fawcett; Answers, Mr. Disraeli May 5, 107; Questions, The Marquess of Hartington, Lord Elington, Mr. Serjeant Sherlock; Answers, The Chancellor of the Exchequer, Mr. Assheton Cross May 12, 491; Questions, Mr. Beresford Hope, The Marquess of Hartington; Answer, Mr. Disraeli May 22, 1053; Observations, The Marquess of Hartington; Reply, Mr. Disraeli; debate thereon May 25, 1195; Question, The Marquess of Hartington; Answer, The Chancellor of the Exchequer May 26, 1275; Question, Captain Pim; Answer, Mr. Disraeli June 12, 1666

Morning Sitings, Question, Mr. P. A. Taylor; Answer, Mr. Disraeli June 8, 1554

Scotch Bills, Question, Mr. Leith; Answer, Mr. Assheton Cross May 25, 1195; Questions, Sir George Campell, Mr. J. R. Yorke; Answers, Mr. Assheton Cross, Mr. Disraeli May 29, 1356; Observations, Sir George Campbell; Reply, Mr. Assheton Cross; short debate thereon June 16, 2015

Order

Reference to Debates in the House of Lords, Observations, Earl Percy; Reply, Mr. Disraeli; short debate thereon June 9, 1622

Privilege

Corrupt Practices at Elections, Question, Sir Colman O'Loughlen; Answer, The Attorney General May 18, 918;—Norwich and Boston Election Commissions, Question, Mr. J. R. Yorke; Answer, Mr. Assheton Cross May 22, 1035; May 29, 1345;—Yarmouth Election, Question, Sir Edmund Lacon; Answer, Mr. Solater-Booth June 15, 1896

Privy Council (Oaths taken by Members, &c.)—Mr. Lowe's Speech at Ratford, Personal Statement, Mr. Lowe May 4, 52

Trial of Election Petitions—Legislation, Question, Mr. Butt; Answer, Mr. Assheton Cross May 4, 37

Private Bills

Ordered, That Standing Order 131 be suspended; and that the time for depositing Petitions against Private Bills, or against any Bill to confirm any Provisional Order, or Provisional Certificate, be extended to Thursday the 8th day of this instant June (The Chairman of Ways and Means) June 1

Parliament—Exclusion of Strangers—Sessional Order, 1875

Question, Mr. Charles Lewis; Answer, Mr. Disraeli May 29, 1355

Moved, "That the Order of the 31st day of May 1875, relative to the Exclusion of Strangers, be made a Sessional Order" (Mr. Disraeli) May 30, 1494

Moved, "That the debate be now adjourned" (Mr. Rylands); after short debate, Motion agreed to

Question, Mr. Charles Lewis; Answer, Mr. Disraeli June 8, 1555

Parliament—Exclusion of Strangers—Sessional Order, 1875—cont.

Order read for resuming Adjourned Debate June 13, 1819

Moved, "That the debate be further adjourned till Tuesday next" (Mr. Chancellor of the Exchequer)

Moved, "That this House do now adjourn" (Sir H. Drummond Wolff); Question put, and agreed to

Parliament—Privilege—Monastic and Conventual Institutions Bill

Irregularity of Signatures, Personal Explanation, Mr. Newdegate; short debate thereon May 12, 583

Notice being taken of the language contained in the Petition from Newark Street, Leicester, in favour of the Monastic and Conventual Institutions Bill,

Moved, "That the Order that the Petition do lie upon the Table be read, and discharged, on account of the unbecoming language used therein" (Mr. Callan) May 16, 845; after short debate, Motion agreed to

Ordered, That the Order that the Petition do lie upon the Table be read, and discharged, on account of the unbecoming language used therein

Parliament—Privilege—Political Committee of the Reform Club

Complaint made by Sir William Fraser, bart., Member for Kidderminster, of a certain Letter addressed by Mr. Lewis Morris to Henry William Ripley, esquire, Member for Bradford, in breach of the privileges of this House:—after debate,

Moved, "That Mr. Lewis Morris, the writer of the said Letter, do attend at the Bar of this House on Monday next, at a quarter past Four of the clock" (Sir William Fraser) June 12, 1669; after short debate, Motion withdrawn

Parliament—Privilege—Public Petitions—Boulogne Sur Mer Petition

Select Committee appointed "to consider a Petition addressed to this House by Inhabitants of the Town of Boulogne sur Mer in France, and to report upon the advisability of the reception of such Petition by the House" May 5; List of the Committee, 183 Report from the Select Committee, with Minutes of Evidence, brought up, and read May 16, 847 [No. 232]

Parliament—The Electoral System—Borough and County Constituencies

Moved, "That, in the opinion of this House, it would be desirable to adopt an uniform Parliamentary Franchise for Borough and County Constituencies" (Mr. Trevelyan) May 30, 1442; after long debate, Question put; A. 165, N. 264; M. 99

PARLIAMENT—HOUSE OF LORDS

Sat First

- May 8*—Charles Edward Hastings Lord Hastings, after the death of his Mother
May 15—The Viscount Leinster, after the death of his Father
May 29—The Earl of Huntingdon, after the death of his Father

New Peer

- June 15*—Thomas George Lord Northbrook, G.C.S.I., created Viscount Baring of Lee in the county of Kent, and Earl of Northbrook in the county of Southampton

PARLIAMENT—HOUSE OF COMMONS

New Writs Issued

- May 12*—For Cork City, v. Joseph Philip Ronayne, esquire, deceased
June 12—For Pembroke County, v. Sir John Henry Scourfield, baronet, deceased

New Members Sworn

- May 15*—Lord Douglas William Cope Gordon, Aberdeen County (Western Division)
May 30—William Goulding, esquire, Cork City

Parliamentary and Municipal Registration (Boroughs) Bill

(Mr. Alfred Marten, Mr. Torr, Mr. Birley, Mr. Dodds)

a. Read 2^o June 13, 1783 [Bill 108]

Parliamentary Electors Registration Bill
(Mr. Boord, Sir John Lubbock, Mr. Grantham)

a. Ordered ; read 1^o * May 25 [Bill 169]

PARNELL, Mr. C. S., *Meath*

- Cattle Disease (Ireland), Comm. cl. 4, Motion for reporting Progress, 183
 Commons, Comm. cl. 2, Motion for reporting Progress, 1397, 1399, 1400
 Electoral System—Borough and County Constituencies, Res. 1494
 Merchant Shipping, Comm. add. cl. 78 ; Consid. cl. 20, Motion for Adjournment, 1079
 Parliament—Strangers, Exclusion of—Sessional Order, 1495
 Royal Irish Constabulary (Mr. John Croker), Res. 1441

Partition Act (1868) Amendment Bill
(The Lord Selborne)

- l. Read 2^a * May 11 (No. 52)
 Committee * May 22
 Report * May 23
 Read 3^a * May 26

PEASE, Mr. J. W., *Durham, S.*

- City of London Companies, Address for a Return, 1153
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 Royal Titles Act Proclamation—Vote of Censure, Res. 425

PEEL, Right Hon. Sir R., *Tamworth*

- Royal Titles Act Proclamation—Vote of Censure, Res. 441

PEEL, Mr. A. W., *Warwick Bo.*

- Merchant Shipping, Comm. add. cl. 58, 93, 214

PELL, Mr. A., *Leicestershire, S.*

- Commons, Comm. cl. 8, 1530
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PEMBERTON, Mr. E. L., *Kent, E.*

- Queenborough Harbour, 3R. 1966

PENDER, Mr. J., *Wick, &c.*

- China—Kiung Chow, Port of, 671
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PERCY, Right Hon. Earl, *Northumberland, N.*

- Commons, Comm. 1252
 Parliament—Order—Debates in the House of Lords, Reference to, 1622, 1623
 Permissive Prohibitory Liquor, 2R. 1844
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Permissive Prohibitory Liquor Bill

(Sir Wilfrid Lawson, Sir Thomas Basley, Mr. Downing, Mr. Richard, Dr. Cameron, Mr. Dalway, Mr. William Johnston)

- c. Moved, "That the Bill be now read 2^o" June 14, 1821
 Amendt. to leave out "now," and add "upon this day three months" (Mr. Wheelhouse); after long debate, Question put, "That 'now,' &c.;" A. 81, N. 299 ; M. 218
 Words added ; main Question, as amended, put, and agreed to ; 2R. put off [Bill 19]

Peru—Crow of the Steamship "Talisman"

- On Motion for the appointment of a Select Committee, Order for resuming Adjourned Debate [21st March] read, and discharged

**Pier and Harbour Orders Confirmation
(Aldborough, &c.) Bill**

(*Sir Charles Adderley, Mr. Edward Stanhope*)

- c. Committee * ; Report *May 5* [Bill 131]
Read 3^o * *May 8*
l. Read 1^a * (*Lord Elphinstone*) *May 9* (No. 78)
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Committee * *May 22*
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PIM, Captain B., *Gravesend*

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PLIMSOLL, Mr. S., *Derby Bo.*

Merchant Shipping, Comm. *add. cl. 54, 56, 62, 64, 65, 67, 69, 74, 208, 216, 218, 227, 228, 229, 232* ; Consid. *add. cl. 1063* ; *cl. 11, 1069* ; *cl. 18, Amendt. 1071, 1073* ; Amendt. 1075 ; *cl. 20, Amendt. 1077* ; *cl. 22, Amendt. 1080*
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Pollution of Rivers Bill

(*Mr. Selater-Booth, Mr. Salt*)

- c. Motion for Leave (*Mr. Selater-Booth*) *June 8, 1599* ; after short debate, Motion agreed to ; Bill ordered ; read 1^o * [Bill 186]

Poolbeg Lighthouse Bill

(*Mr. Edward Stanhope, Sir Charles Adderley*)

- c. Committee * (*on re-comm.*) ; Report *May 4*
Read 3^o * *May 8* [Bill 140]
l. Read 1^a * (*Lord Elphinstone*) *May 9* (No. 79)
Read 2^a * *May 18*
Committee * ; Report *May 22*
Read 3^a * *May 23*
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Poor Law Amendment Bill

(*Mr. Selater-Booth, Mr. Salt*)

- c. Committee—R.P. *June 8, 1595* [Bill 78]
Committee ; Report *June 13, 1764* [Bill 190]

Poor Law Rating (Ireland) Bill

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland*)

- c. Ordered ; read 1^o * *May 18* [Bill 156]
Read 2^o, after short debate *June 16, 2024*

Poor Law (Scotland) Bill

(*The Lord Advocate, Mr. Secretary Cross*)

- c. Read 2^o, after debate *May 8, 258* [Bill 130]
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- c. Ordered ; read 1^o * *May 18* [Bill 153]
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[Bill 180]

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(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland*)
 c. Ordered; read 1^o * June 15

[Bill 197]

Provisional Orders (Ireland) Confirmation Bill [H.L.] (*The Lord President*)

l. Read 2^a * May 18 (No. 67)

Provisional Orders (Ireland) Confirmation (Coleraine, &c.) Bill [H.L.] (*The Lord Chancellor*)

l. Presented; read 1^a *; and referred to the Examiners June 18 (No. 107)

Publicans Certificates (Scotland) Bill (*The Earl Stanhope*)

l. Read 2^a, after short debate May 12, 481 (No. 66)

Public Health

Medical Officer to the Privy Council, Questions, Mr. Waddy; Answers, Viscount Sandon, Mr. Solater-Booth June 1, 1517
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Public Health (Ireland) Bill

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland*)

c. Ordered; read 1^o * May 30 [Bill 178]

Public Health (Scotland) Provisional Order (Irvine and Dundonald) Bill [H.L.] (*The Lord Steward*)

l. Presented; read 1^a *; and referred to the Examiners June 15 (No. 118)

Public Health (Scotland) Provisional Order (Wemyss) Bill (*The Lord Advocate, Mr. Secretary Cross*)

c. Ordered * May 23
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 Read 3^o * June 9

l. Read 1^a * (*Lord Steward*) June 13 (No. 109)

Public Records (Ireland) Amendment Bill (*Mr. Gibson, The Marquess of Hamilton, Mr. Kavanagh, Mr. Mulholland*)

c. Ordered; read 1^o * May 3 [Bill 141]

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c. Moved, "That the Bill be now read 3^o" (*Mr. Pemberton*) June 16, 1966
 Amendt. to leave out from "That," and add "having regard to the fact that a Royal Commission has lately been appointed to investigate the affairs of Unreformed Corporations, it is not desirable to proceed with a Bill conferring fresh borrowing and taxing powers upon a Corporation which has been bankrupt under circumstances disclosed in a Memorial ordered by the House of Commons to be printed 30th July 1875" (*Sir Charles W. Dilke*) v.; Question proposed, "That the words, &c.;" after short debate, Question put; A. 143, N. 84; M. 59
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 —*Case of Frederick Harcombe*, Question, Mr. M. A. Bass; Answer, Mr. Assheton Cross June 1, 1518

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(*Mr. Mitchell Henry, Mr. Meldon, Mr. Smyth, Mr. Shaw, Mr. Sullivan*)

c. Moved, "That the Bill be now read 2^o" *May 3, 1*
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Gibson*); after debate, Question put, "That 'now,' &c.;" A. 168, N. 235; M. 67
Words added; main Question, as amended, put, and agreed to; 2R. put off [Bill 4]

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Orders of the Day postponed (*Mr. Disraeli*)
Moved, "That, having regard to the declarations made by Her Majesty's Ministers during the progress of the Royal Titles Act through Parliament, this House is of opinion that the Proclamation issued by virtue of that Act does not make adequate provision for re-

[cont.]

Royal Titles Act (Proclamation)—cont.

straining and preventing the use of the title of Empress in relation to the internal affairs of Her Majesty's dominions other than India" (*Sir Henry James*) May 11, 370; after long debate, Question put; A. 226, N. 334; M. 108

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c. Ordered; read 1st June 14 [Bill 194]

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(*Mr. Marten, Sir Henry Jackson, Mr. Gregory*)

c. Ordered; read 1^o * June 14 [Bill 193]

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c. Committee *; Report May 8 [Bills 107-145]

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l. Read 1^a * (*Earl of Airlie*) June 15 (No. 115)

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- c.* Ordered; read 1^o * May 22 [Bill 163]
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l. Read 1^o *, and referred to the Examiners (*The Lord President*) June 15 (No. 117)

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(*The Lord Chancellor*)

- l.* Presented; read 1^o * May 11 (No. 82)
 Read 2^o * May 15
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 Read 3^o * May 26
c. Read 1^o * June 1 [Bill 183]
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c. Read 1st (*Mr. Solicitor General for Ireland*)
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ney General May 4, 40

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Bill [H.L.] (*The Lord Chancellor*)

l. Presented; read 1st June 16 (No. 121)

Trade Union Act (1871) Amendment Bill

(*Mr. Mundella, Mr. Thomas Brassey, Mr. Jacob
Bright, Mr. Morley*)

c. Read 3rd May 3 [Bill 92]

l. Read 1st (*The Lord Aberdare*) May 5 (No. 73)

Read 2nd, after short debate May 26, 1259

Committee*; Report May 29 (No. 98)

Committee* (*on re-comm.*); Report June 1

Read 3rd June 13

Tramways Orders Confirmation (Bristol, &c.) Bill [H.L.]

(The Lord President)

- l. Read 2^a * May 5 (No. 60)
Committee *; Report June 1
Committee * (on re-comm.) June 15
Report * June 16

Tramways Order Confirmation (Wantage) Bill [H.L.] (The Lord President)

- l. Read 2^a * May 5 (No. 61)
Committee *; Report May 15
Read 3^a * May 16
c. Read 1^o * May 18 [Bill 157]
Read 2^o * May 22
Committee *; Report June 1
Read 3^o * June 12

Treasury Solicitor Bill

(Mr. William Henry Smith, Mr. Chancellor of the Exchequer, Mr. Attorney General)

- c. Committee *; Report May 4 [Bill 128]
Read 3^o * May 5
l. Read 1^a * (The Lord President) May 8 (No. 76)
Read 2^a * May 29
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Assassination of the Turkish Ministers, Question, Mr. John Bright; Answer, Mr. Disraeli June 16, 1975

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The Berlin Conference, Question, Mr. Bruce; Answer, Mr. Disraeli May 22, 1053

The Eastern Question—The Papers, Question, Colonel Mure; Answer, Mr. Bourke May 30, 1423

The Treaty of Paris, 1856, Question, Observations, Earl De La Warr; Reply, The Earl of Derby June 15, 1888

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Union of Benefices Bill [H.L.]

(The Lord Bishop of Exeter)

- c. Moved, "That the Bill be now read 2^a" May 16, 755
Amendt. to leave out ("now,") and insert ("this day six months") (The Marquess of Salisbury); after short debate, Amendt. withdrawn
Original Motion agreed to; Bill read 2^a, and referred to a Select Committee (No. 64)
Committee nominated; List of the Committee May 29, 1345

United Parishes (Scotland) Bill

(The Lord Steward)

- l. Royal Assent June 1 [39 Vict c. 11]

United States

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Emma Mine, The, Question, Mr. Callan; Answer, Mr. Disraeli May 29, 1352

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University Education (Ireland) Bill

(Mr. Butt, The O'Connor Don, Mr. Mitchell Henry, Mr. MacCarthy, Mr. Sullivan)

- c. Motion for Leave (Mr. Butt) May 16, 805; after short debate, Motion agreed to; Bill ordered; read 1^o * [Bill 150]

University of Cambridge Bill

(Mr. Spencer Walpole, Mr. Secretary Cross, Lord John Manners)

- c. Motion for Leave (Mr. Spencer Walpole) May 16, 829; after short debate, Motion agreed to; Bill ordered; read 1^o * May 16 [Bill 151]

University of Oxford Bill [H.L.]

Formerly—

Oxford University Bill

(The Marquess of Salisbury)

- l. Read 3^a May 5, 101; after short debate, Bill passed (Nos. 16, 45, 51, 68)
c. Read 1^o * May 8 [Bill 146]
Moved, "That the Bill be now read 2^a" June 12, 1712
Amendt. to leave out from "That," and add "in view of the large legislative powers en-

[cont.]